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BOMBAY BRANCH
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Painted by J. Hoppner R.A.

JAMES MACKINTOSH.

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Edinburgh Published by John Anderson Jun.r 55. North Bridge Street 1822.

MEMOIR

OF THE

LIFE AND TRIAL

OF

JAMES MACKCOULL,

OR MOFFAT,

WHO DIED IN THE COUNTY JAIL OF EDINBURGH ON THE 22D DECEMBER 1820;

Containing

A FULL ACCOUNT OF HIS TRIAL BEFORE THE JURY COURT, AND HIGH COURT OF JUSTICIARY, AT EDINBURGH,

For Robbing the Branch of the Paisley Union Bank at Glasgow of Twenty Thousand Pounds.

ILLUSTRATED WITH NOTES, ANECDOTES, AND A PORTRAIT.

21296

WITH AN APPENDIX,

Containing Mr. Denovan's Journal from Glasgow to London in Trace of the Robbery, and other Curious Papers.

EDINBURGH:

PRINTED FOR JOHN ANDERSON, JUN.

55, NORTH BRIDGE STREET, EDINBURGH;

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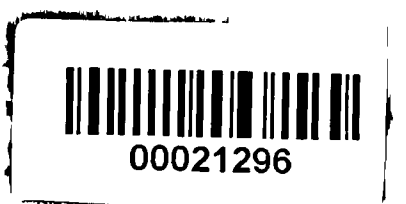

Leith: Printed by A. Allardice.

PREFACE.

THE following Volume would have been put to press some months ago, had it not been suggested to the compiler to alter, or rather to make a translation of the language in which it was written. A small volume on a similar subject at that time appeared, wherein the several incidents were expressed in a kind of local slang peculiar only to thieves, and which gave much offence to a respectable class of readers: The compiler of the following sheets has, therefore, availed himself of the advice of his friends, and now offers his work to the public in a new shape.

The Memoir of Mackcoull's Life originally contained numerous specimens of the Cant or Flash Language, as used and spoken by the higher order of depredators in England.—The materials from which the Life of such a man are compiled, must be drawn from various sources, and some of them not of the purest description. The artisan has his technical term, and the sailor his nautical phrase, without which it would be difficult for either to express themselves;—the lawyer has his scraps of Latin, and the daring freebooter his flash.

Mackcoull spoke the language of his *calling*; and, that his associates should relate what they knew of him, in the same language, is perfectly natural, as they would find it most familiar and expressive. The compiler has, however, from a wish to please, reduced the whole into plain narrative; and very few flash expressions will be found, except where they occur in evidence, or could not, with propriety, be omitted. But even the flash, like more polished tongues, suffers by translation; for it has been found impracticable to transfer the spirit and effect of the original. Those, therefore, to whom some parts of the history may appear rather

flat or insipid, are intreated to consider them as mere translations from a language which has already too many teachers.

The subject of this Memoir, like other experienced robbers, made no confession of his various crimes. Thus the incidents of his chequered life have been gleaned with much labour, from all available sources of information; and although the compiler knows of no other circumstances to affect their credit, still he feels it a duty to acknowledge, that these sources were not always unpolluted.

Many vague reports were circulated in Edinburgh shortly after his death, which it would be idle to notice, further than to assure the reader, that the story of his having left money behind him, is altogether groundless; the last supply his wife sent him, was exhausted a few days before he died. He expired in the condemned cell in the county jail, unpitied and despised, without a fraction in his pocket. That his pocket-book was filled with curious memoranda, is equally untrue;—it was examined by the compiler of these sheets, and, with the exception of a few unintelligible jottings, con-

tained only the following lines, written on a leaf towards the end:—

" *Specimen of the English Language, Anno Dom.* 1819.—*Taken from the Leeds Mercury, December* 1819.

' Copy of a letter received by a medical man in this neighbourhood, from one of his patients:—

' Sur,

' I weesh yew wood koom an see me,—I av got a bad kould,—ham eel in my Bow Hills, an av lost my Happy tyde.

' Sur,

' Yer umbel Sarvent.' "

But as this was shown to several of his visitors, it may have induced a belief that his book contained more matter of that description.

Many striking circumstances and daring robberies, in which this remarkable character was engaged, have been altogether omitted, as either bordering on indecency, or having a tendency to mislead, by example. Nothing has been admitted which can in any way be deemed offensive to the feelings of the most delicate;—and that very interesting trial, which put a period to his career of villany, will be found at full length, from the pen of an excellent Stenographer who attended for that purpose in Court.

The moral which the life of this daring and successful plunderer inculcates, is striking and impressive. He was reared in vice —and being deprived of the benefit of a religious education in his youth, wandered through life, as it were, at random. To the protecting influence of religion he was a stranger—his ideas of right and wrong were founded in error—and his whole thoughts and meditations were incessantly bent on the ruin and destruction of his neighbour.

He was too successful—he frequently possessed such sums of money as might, under other circumstances, have kept him in affluence: nay, it will be shown that he possessed thousands, without being allowed to enjoy them; and Heaven only prolonged an existence, which was loathsome to him, for the wise purpose of demonstrating to the world, that ill-gotten wealth will fly the guilty possessor, and lead him to shame, infamy, and destruction.

8th February, 1822.

ERRATA.

P. 2. top line, for *three sons and one daughter*—read *three sons and three daughters.*

„ 2, 5th line from the bottom, beginning of the paragraph, for *the daughter*—read *the only surviving daughter at that time, and, &c.*

„ 3, 3d line from the top, for *the daughter*—read *this daughter.*

„ 5, 9th line from the bottom, the commas after the word *another,* should be placed after the word *wipe,* 4th line from the bottom; and the note should read to steal *a* pocketbook, *a* watch, *a* handkerchief.

„ 134, 4th line from the top, for *Moffat*—read *Mackcoull.*

LIFE AND TRIAL

OF

JAMES MACKCOULL.

JAMES MACKCOULL was born in the parish of St. Sepulchre in the city of London, in the year 1763. His father, Benjamin Mackcoull, was, by profession, a pocket-book maker, and kept a small shop, for many years, near St. Sepulchre's church. He was a man of unblemished character; and having, it seems, been rather unfortunate in business, was appointed a marshal's man, or city-officer in London, in which situation he continued until his death. He did all in his power, it is said, to bring up his children in a decent, respectable manner, and to give them the best education his circumstances would permit; but his praiseworthy exertions were thwarted by his wife, who was a base, unprincipled woman, and possessed of a most covetous disposition.

They had three sons and one daughter, all of whom either inherited the propensities of the mother, or had followed her example and instructions so closely as to become the objects of public notoriety and shame. Their youngest son, Benjamin, owing to the shocking examples that were daily set before him by the abandoned characters who visited his mother, was reared and educated in "the very sink of vice;" and, when a mere boy, was regarded as a very dexterous thief and pickpocket. Having been tried at the Old Bailey, in 1786, and convicted, along with George Brace, of robbing Mr. Flemming in Drury Lane, as he was coming out of the theatre (of his watch and money), he and his associate received sentence of death, and were executed at the New Drop in front of Newgate the same year. Considerable interest was made to save the life of Brace; but, as that species of robbery was then carried to an alarming extent, Government was determined to make examples of the very first who were convicted—especially if they were reputed thieves. Brace was not exactly of this description; but the judge, before whom they were convicted, on being applied to, shrewdly observed, that "Brace ought to be hanged, were it for no other crime than that of *being in company* with Ben Mackcoull!"

The daughter, who will afterwards appear, in the course of these memoirs, under the name of *Mrs. Ann Wheeler*, died only a few years ago. She was a notorious thief, and only outlived her mother a few months. Mother and daughter

were often convicted of petty thefts, and were frequently in the same house of correction together. The last crime of which the daughter was convicted, was that of robbing Messrs. Foulden and Stratton, for which she was sentenced to two years' imprisonment: she then passed by the name of *Ann Green*. The old woman (or, as her son James used to call her, *Gunpowder*) was noted for her dexterity in shoplifting, and, latterly, for stealing pewter-pots from public-houses; but, like the son we have just mentioned, she was peculiarly fortunate in eluding detection.

The oldest son, John, of whom we shall have occasion to speak more fully in the sequel, received a much more liberal education than any of the other branches of the family. He was bred a law stationer; and, had those talents, of which he has frequently given proofs, been honestly and industriously applied, he might have cut a very different figure in society from what he now does:—But

"Video meliora, proboque—deteriora sequor."

Soon after the expiry of his apprenticeship, he became the companion of the most abandoned characters, and was guilty of so many irregularities during his youth, that he was frequently suspected of committing crimes. Although innocent of the charge, he was tried at Stafford in 1807, for stealing a parcel from the Edinburgh mail, and forging the indorsations on, and negotiating four

bills of exchange. Although, like the rest of the family, he was very fortunate in making "hair-breadth escapes," still he formed such a prominent figure in the flash world, that he was not only known to every police officer in London, as a *knowing hand,* but the Bow Street officers, by way of distinction, styled him, he says, "the *notorious* Jack Mackcoull."

In a volume which he wrote and printed in 1810, entitled "*Abuses of Justice,*" in vindication of his character, on being acquitted of the charge of forgery, he freely admits his intimacy with crime, but assures the reader (with what degree of veracity will afterwards appear) that he had, long previous to that period, "*relinquished all criminal pursuits.*" He allows, however, that, notwithstanding all his protestations, his conduct continued to be watched by, or, in his own words, that "he was still an object of aversion to the Bow Street officers," who not only doubted his reformation, but annoyed him on all occasions, when and where they suspected he was playing the truant. In short, when he attempted to enter the theatres, or any other place of public amusement, where, in a crowd, one's hand may *accidentally* be thrust into another's pocket, he was sure to be hailed by the Bow Street patroles, in a most familiar manner, and forced to retrace his steps. Conscious, however, as he would have it appear, of the rectitude of his conduct, and determined not to be excluded from his old *favourite haunts,* he, on one occasion, actually addressed the following note to the magistrates of the public office, Bow Street:—

"GENTLEMEN,

"I BEG leave to inform you, that I am, with my wife, gone to the theatre, Covent Garden. I take this step in order to prevent any ill-founded, malicious construction. Trusting that I am within the pale of safety, and that my conduct will ever insure me the protection of the magistracy, I remain, Gentlemen, with all due respect,

"Your most obedient, very humble Servant,

"JOHN MACKCOULL."

And a few days afterwards, the following comment was made on this note, in the public newspapers:—"While Sir William Parsons was sitting in Bow Street, on Tuesday evening, he received the following epistle from a *notorious character*, who has long been celebrated for his dexterity and skill in conveying watches and money from one pocket into another." The letter and orthography are literally copied from the original. Donaldson, therefore, treated the apologist with proper attention; and Mackcoull returned with his *cara sposa*, without attempting *to queer a stilt, draw a tatler, or mill a wipe.**

In order to protect him against the consequences of being apprehended, and tried for of-

* To steal a pocket-book, or watch, or handkerchief.

fences, of which, as he asserts, he was merely suspected, and which, indeed, is not unfrequently the lot of bad characters, he found it absolutely necessary, as he admits, in his "*Abuses of Justice*," to keep a diary or journal, in which he entered not only the general transactions of the day, but how and where every hour and minute of his time was occupied. To this journal alone he attributes his acquittal when tried for forgery; for he says,—"To this it is owing, that I am at this moment in existence; for it would otherwise have been almost impossible for me to have traced back my recollection for the many months elapsed, so as to have proved where I was at the time I was accused of committing the offence."

Shortly before the period at which he was tried for forgery, he found means, it is said, to ingratiate himself into the good graces of the then city marshal, and was so very active and useful to that gentleman, in procuring information which led to the apprehension and punishment of many criminal offenders, that he obtained the by-name of *Marplot*, by which, among the higher order of thieves in London, he is as well known as by that of Mackcoull. This, he says, excited the jealousy of the Bow Street officers to such a degree, as to be the fundamental cause of "all the ill-usage, malevolence, and persecution which they afterwards heaped upon him."

Having, however, by his *industry*, acquired a considerable sum of money, he retired from London, and took a kind of inn or public-house, at Rush Green, Lewisham, and afterwards at Hayes,

in Kent, both of which he occupied for some time. But as several daring burglaries were at that period committed at Blackheath, and in the neighbourhood, it was suspected Mackcoull had either planned them or afforded shelter and protection to the robbers. His licence was therefore taken from him at the latter place, and he returned to London. He must then have been in pretty affluent circumstances, for he says,—"Thus driven by my persecutors from gaining a livelihood, by *honourable* means, and having a large family dependent upon me for support, among whom my mother who is no less than eighty-five years of age, I took *two houses* in the city; one for my own occupation, the other to furnish and *let in lodgings*. The house was conducted in the most discreet and orderly manner; and, with its emoluments and the rent of a third which I also let *furnished*, I had such ample means of support as left me neither the necessity nor the inclination to resort to dishonest or criminal pursuits."

He again left London, and went to Worthing, in Sussex, where he opened and still keeps what he calls the *Apollo Library*. It is believed that this undertaking, the establishing of which was attended with considerable expense, never repaid him for his labours. And it is to be regretted it did not; for, if there was but little sincerity in his former attempt at reformation, there was a something in the plan of the library which leads us charitably to suppose, that he would have lived on the profits of his business without again recurring to his former habits of

life—for he also keeps a very different establishment in the neighbourhood of Fleet-market. We find it necessary to be thus particular in introducing Jack Mackcoull to the notice of the reader, for we shall often have occasion to revert to him in the course of this work.

The education of JAMES MACKCOULL, the subject of these memoirs, was much more limited than that of his brother John.—It extended not beyond the very simple branches of reading and writing English, which is no way astonishing, for the wayward disposition of the boy showed itself at a very early period of life; and it was only by a frequent application of the rod that his attendance at school could be enforced. So strong was his propensity for stealing, that, when a mere child, the schoolmaster found it necessary to complain to his father. He frequently purloined the little playthings of his school-fellows with so much adroitness and cunning as to afford the most unequivocal proofs of natural depravity; and unless when caught in the act, or where the articles were found in his possession, it was impossible to obtain a confession of his guilt: He was a notorious liar, and possessed so much presence of mind, that he would stare his accuser broad in the face, and brazen out a denial of the charge with astonishing effrontery, for which the singular construction of his eyes was peculiarly adapted; and these *qualifications*, as he ripened in years, became the more prominent, and accompanied him through life. The family then

lived in Coldbath Fields; and, with the exception of the father, were regarded by the neighbourhood as a dangerous nest, to whom all the petty depredations that took place were imputed.

Added to a stout, or rather athletic frame, Mackcoull possessed great activity and swiftness; and even when a boy, displayed much *bottom* and bravery in several pitched battles with lads greatly his superior both in years and appearance.

The first depredation he committed in the public street, was that of robbing a poor man who sold *cats' meat* with a wheel-barrow. Perceiving that the man had a small canvas bag attached to one side of the wheel-barrow, into which he dropt the copper as he received it, he followed him through different streets, until he thought the prize worth taking, when running up to the poor man, as he was coming out of an entry, and blowing a quantity of snuff into his eyes, he deliberately cut away the bag, and ran off with it before the unfortunate dealer in cats' meat, could regain his sight. The success of this adventure induced him to commit many others of a much more daring and extensive nature; and having at this time joined a gang of youthful depredators, who infested Clerkenwell and that neighbourhood, he soon became a very expert thief and pickpocket; but his forte consisted in what is called *clicking* and *switching*,* in entries to courts where places of amusement or private meeting-houses were situated.

* Stealing hats from gentlemen's heads, and shawls from ladies' shoulders.

His father, who, we believe, was a total stranger to the conduct of his son, bound him apprentice to a leather-stainer in the neighbourhood of Clerkenwell; and, although he promised pretty well at first, and appeared to be both active and willing, yet he had formed such connexions that it was impossible for him to keep regular hours at his master's; and his father, after repeated admonitions and trials, was forced to take him back, and board him in his own house. Being under less restraint, and encouraged by his own mother, he gave way to all his propensities, and committed numberless depredations in concert with his associates, the principal of whom were Bill Drake, and Sam Williams.

Unwilling to be under restraint, he, nevertheless, found it necessary to continue with his master, as a kind of cover, until his conduct became so notorious, that the leather-stainer sent for his father, and turned him off.

He was now looked upon as a common thief and pickpocket; and having, in concert with Drake and Williams, committed some extensive depredations on the *drag lay*,* he found it necessary to leave his father's house, and live in a distant part of the city. Mackcoull, at this period of his life, was concerned in so many robberies of different descriptions, that it excited the astonishment of every one how he managed to escape detection.

We could here recount a number of singularly

* Cutting trunks or portmanteaux from coaches or carts.

daring thefts committed by Mackcoull and his accomplices, in a manner peculiar to themselves; but as it would, consequently, be necessary to go into particulars, and to describe minutely the manner in which these depredations were effected, we shall forbear the recital, from a conviction that our doing so would have a very bad tendency; for as we cannot calculate on the readers our little work may have, neither can we calculate the mischief that may ensue from unveiling to the depraved, the dissolute, and the idle, the deeply-laid schemes and stratagems of a daring, dexterous, and successful depredator.

As an instance of the many, however, and as illustrative of this hypothesis, we shall describe one robbery committed by Mackcoull and Drake, which had nearly proved fatal to him, and which was the cause of banishing our hero from London:—

His younger brother Ben, having been convicted of a petty offence, was sentenced to six months' confinement in the *Old Nask*,* and to be twice flogged. Mackcoull, and his companion Drake, had gone to Bridewell to attend the performance of this operation, and to see whether Ben showed *bottom;* and, in coming through the park towards the Horse Guards, they observed a stiff oldish gentleman in an undress, walking before them. "Odd's bodikins!" cried Drake, "here's the *old raven*† I told you of, come to

* Tothilfields Bridewell.

† A bird that hunts for carrion;—an undertaker.

town again. Sure as the night, he'll be in the park to-day, as the clock strikes four. He enters by Spring Garden gate, and, after a few steps, sits down on one or other of the benches, and trifles with the *tree-counters* until the evening, when he shows off a gold repeater, set with brilliants:—Come, we are both poor, let us return at four, and rob him." Mackcoull said it was a *stiff job* in day light, but he had no objections to try the thing. So coming back a little after three, they walked about the entrance to Spring Garden, until they saw the *old raven*, as they called him, coming down the Haymarket, to enter the park; and having planned their mode of attack, Mackcoull went down the entrance before he approached, and, looking round and perceiving no person at hand, he turned quickly, and met the old gentleman shortly after he came through the gate, followed by Drake, who, as Mackcoull came up, made a spring upwards, and, by striking with his whole strength on the crown, broke the string of the lining, and drove the hat completely over the gentleman's eyes and face; and as this naturally caused him lift both his hands to his head, his gold repeater, set with brilliants, was instantly pulled from his pocket; and before he could recover his sight, both thieves were so far off that he could just see the tail of Mackcoull's coat, as he turned the corner of the gate.—Drake, on the other hand, ran along the walk in the park, and went through the entry at the palace, without meeting a single creature except the sentinel on duty; on passing whom, to conceal his features,

he drew out his pocket handkerchief, and, by way of wiping it, covered his face. But Mackcoull had incautiously exposed his face to the gentleman, by meeting him:—He had eyed him attentively before he came forward, and declared he could point him out amongst a thousand men; while, to mend the matter, a person who saw Mackcoull from a window, running out of the gate, at Spring Garden, recollected having seen him, with another man, come out of Tothilfield's bridewell in the morning; and on perceiving a crowd collect round the man, and hearing what had happened, he stepped up to him and communicated what he had seen. The gentleman robbed was a very wealthy undertaker, who had resigned business and lived on his money. As a mechanic of the old school, he dined early, and entered the park, in fine weather, regularly at four o'clock, and continued walking about until eight. He was always dressed in style, and, for a man of his years, rather foppish, which introduced him to the notice of the thieves. The undertaker was no sooner possessed of the hint than he went to Bow Street, and having lodged information of the robbery, an officer was dispatched to ascertain who they were, and to apprehend the thieves. Drake was taken and brought to the office next day, but Mackcoull could not be found. He soon learned the fate of his companion, and being assured that the Bow Street officers were in quest of him, he was convinced, if apprehended, which was next to certain, that his conviction would follow, and, as his character

was notoriously bad, he had nothing but death to expect. He therefore sent for his father, and having expressed his sorrow for what had happened, and for the horrid and depraved life he had been leading, proposed, as the only method he could devise of atoning for the latter, and for eluding the disgrace and punishment that awaited him, to go to sea immediately, and leave the country. His father not only acquiesced in this, but, thankful of an opportunity of removing his profligate son to a distance, remained with him until the evening, when, having obtained a suitable disguise, he conveyed him on board the tender at Towerhill, and entered him as a volunteer in the navy, under an assumed name.

Mackcoull was put on board the Apollo frigate, where he remained for about two years, in the character of an officer's servant. Having caught a bad fever, however, he was left on shore at St. Kitt's, the ship having sailed for England; and when he recovered, he was taken on board the Centurion, and filled the situation of captain's servant. In this ship he remained for many years, and conducted himself with so much propriety, that, when drafted on board another ship of war, on the North American station, he was appointed purser's steward, on the recommendation of his former captain, who had gone to England in bad health.

He returned to London about the year 1785, having been abroad for upwards of nine years. He brought with him, it is said, a considerable sum in prize-money and wages, besides a great

quantity of clothes, and other articles which he had received in presents from his officers, and which had also been left him by some officers whom he served, and who had died on board, on the West India station.

In place, however, of appropriating his little stock in such a way as might enable him to redeem his character, and carry on some decent respectable calling, he squandered away his money at the gaming-table, in betting at cock-fights, and ring-matches, and also among women, with whom, it is said, he was, at that time, a great favourite.

Having, in a very short time, expended every sixpence of which he was possessed, like the dog to his vomit, he had recourse to his former flagitious habits of life for subsistence: He was not only reckoned an expert pickpocket, but a keen *elbow-shaker.** He was a constant attendant on all ring-matches, cock-fights, and horse-races, both in town and country, and was extremely successful in his depredations on the public. He became also a bull-hanker and pugilist; but the gentlemen of the fancy, although they allow he had some *bottom*, and *rum ogles*,† assert that "he was a *swell*‡ of more *swagger* than *science*."

Although both a greedy and an active plunderer, and occasionally possessed of considerable sums, yet he threw his money away so lavishly on women, and was, from his eagerness for play, often so unsuccessful at the gaming ta-

* A gambler. † Fine eyes. ‡ A boxer.

ble, as to be frequently reduced to the greatest distress, and occasionally to become the tenant of a *sky-parlour*.*—He was extremely loquacious; and used, on his first setting out, to accompany the older and more finished thieves, whose hands were more expert than their tongues, to country fairs, horse-races, and other amusements; where he was employed in *gulling* the country folks, while his associates robbed money of them at their cards, *little goes*,† or otherways. In this capacity he must have been of essential service to his worthy friends; for he had by this time seen many quarters of the globe, and, independent of being an excellent hand at a story, he could tell a lie with a better grace than any man living. He had very large piercing black eyes, with which, to use the common phrase, he seemed to look one through; and being possessed of a superabundant stock of assurance, there was no such thing as browbeating him—

"For, e'en though vanquish'd, he could argue still."

He could, with facility, assume, at times, the most insinuating manner and address, by which he introduced himself into the company of country gentlemen who were strangers to his character. His genteel appearance and courteous demeanour threw them completely off their guard, and rendered them an easy prey to his artifices. On these occasions he generally passed himself off as the captain of a West Indiaman, returned from

* A garret. † Small lotteries.

a long and disastrous voyage, the incidents and occurrences of which, and the perils, the hurricanes, and the tornados he had encountered, afforded much amusement to his guests. If he managed to get cards introduced, he was sure to sweep the board; or, if the bottle was preferred, he frequently left his new friends under the table, and stripped them of their money and watches. It is a well-known fact, that, by means of opiates, which he used to carry about with him, Mackcoull committed many extensive depredations, both in town and country.

Finding, however, that his country excursions were generally attended with extra expenses, and frequently with much danger, he at length confined his operations to London, and seldom left it, except when he took *a trip to the West Indies*, or, in other words, was forced to keep out of the way. He frequented the Opera, Drury Lane, and Covent Garden theatres, Vauxhall and Ranelagh, through the week, and the principal tea-gardens and religious meeting-houses on the Sunday evenings.—He now became what is called a gentleman pickpocket; and was no less successful in his depredations on the public, than he was fortunate in eluding detection. He generally passed an hour or two at a flash-house near the head of Drury Lane, on leaving the theatres or other places of amusement. This house was a safe and private resort of finished thieves, who were entirely staunch to one another's secrets. When Mackcoull entered the room at night, with his *cane under his arm*, and *his hat à la*

militaire, which was usual with him when he had been successful, his companions would exclaim, "What, Jem, in luck to-night again; sha'nt we have *huckle-my-buff** all round?" To this he would readily assent, especially if the company were poor, or had been in ill luck, when he made a point of treating them freely. On a Saturday evening, coming to this house, and being informed that *Bill Knight*, one of his associates, was arrested, and in a spunging-house for debt, he called out to one of the party—"I say Tom H——, I hear the *little squire's taken*—Do go and give bail for him—If they won't take you, put down the money—I'm as poor as Friday, having lost all my cash at cards to-night; but as I am sure of a booty at a meeting-house to-morrow evening, I'll return you the dust on Monday—You know I will—The squire's a good little fellow, and should they lock him up in *Old Start*,† he's sure to be hanged. I know there's one there who will inform against him."—The squire was accordingly liberated, and our hero went next evening to the meeting-house, as he proposed. The object he had in view was a fat old lady, whom he had observed the preceding Sunday evening with a valuable gold watch. She was then in such a situation as to be out of his reach, but he made himself sure of the prize the Sunday following. It happened, however, that the lady did not make her appearance; and the disappointed thief sat

* A drink, consisting of ale, brandy, and eggs, made hot.

† Newgate.

grinding his teeth and cursing his stars in the very middle of the congregation.—He happened to cast a look to the pulpit, towards the close of the service, and seeing the parson draw out a gold watch, his eyes sparkled with joy, and he resolved on possessing it before he left the chapel: He effected his purpose as the congregation were coming out, and walked off with his prize, undisturbed, towards Drury Lane. On meeting his associates, he jocularly observed that he had missed the main hit, but, not wishing to come away without *making a convert*, he had, in coming down stairs, drawn the parson's watch, a gold one, chain and all—"Patience a bit," said one of the gang, "let me see it—as *I am a Christian*, it's nothing more than gilded metal." Our hero took the watch, and examining both cases with attention, coolly observed, that "the long-faced crew he had just left were, he believed, as much deceived with the priest, as he was with his watch—it was the picture of a methodist, lacker'd outside, and all the rest flummery."—A more striking proof of depravity than this, we believe, can hardly be given. The wretch must indeed be far left to himself, who would deliberately enter the house of God for the purpose of robbing his fellow-creatures. Surely the man who could be guilty of such a crime, would not hesitate in committing a greater.

Among our hero's other *accomplishments*, that of using the most dreadful oaths and imprecations, bore a prominent feature, especially when irritated or touched with liquor; and as all his

depredations were planned with so much skill and judgment as to set the ferrets of the law at defiance, he obtained, among his associates, the appellation of "*the heathen philosopher.*"

During the time of the Brentford election, two of the gang proposed going there, as a place where, to use their own phrase, many *good things* might be done, and asked Mackcoull to accompany them. He said, he did not much like the idea, as there would be many green hands on the ground, by whom they might be observed and exposed; but as he long'd to have a touch at the *pot-wabblers*,* he would go with them.

On reaching the hustings they saw nothing to suit their views; while, as our hero predicted, they perceived a number of low thieves from London mixed with the rabble. They therefore adjourned to the inn, dined in a private room, and having asked some of the electors to partake of a glass of wine, were, in return, invited to join in their libations. After the bottle had gone freely round for some hours, a band of music arrived, and the electors had a bull-dance. In this our hero's two associates gladly joined, and stripped a number of the electors of their watches and money. Although their depredations were numerous, yet the value was comparatively trifling to what they expected; and having lost sight of Mackcoull, and supposing he had deserted them, they left Brentford, and

* Electors who have a right to vote by having boiled their pots in the borough.

reached the old rendezvous in safety. Here they complained loudly of the conduct of our hero, and asserted, that if he was not taken, he had either *fought shy*, or concealed his plunder; which, according to the rules of their society, was *highly dishonourable*.

But Mackcoull had neither been taken, nor acted contrary to rule. Like a well-trained falcon, he despised the many trifling objects he saw before him, and reserved his attack for a bird worthy of his capture. He perceived a baker with his pocket-book literally crammed with money, and, being determined to carry off the prize, he watched an opportunity of doing the thing in a masterly style. The baker was a kind of leading man in the business, and being continually surrounded by some of the electors, could not be got at for a considerable time. But our hero having, by dint of inquiry, or in the course of conversation, learned that the baker was knowing in astronomy, or at least was extremely fond of being thought *star-wise*, he resolved to turn his knowledge of the heavenly bodies to good account. The moment, therefore, he saw him disengaged, he stepped up, and, complimenting him on his superior knowledge in that pleasing science, asked his opinion, very gravely, of that strange alternating star, or luminous body, which the people had been gazing at all evening, and whether he had ever observed any thing like it before? The baker, with astonishment, replied, that he knew nothing of the matter; and asked our hero in what part of the heavens it had ap-

peared. He said he could not well answer the question, but if he (the baker) would condescend to step out, he would show him the spot where he and the other folks had seen it: that they stood close by the gable of an adjoining house, and, looking up in a line with the chimney, they saw the star *now and then*, and, as it were, shifting from one place to another: that it was very large, and seemed to have a tail; and the people were observing, they supposed, that he (the baker) would be busy with his glass somewhere, contemplating this phenomenon. "I would not lose the sight for a fifty," said the baker, and immediately accompanied our hero. By the time, however, that the learned baker was *placed in a position* to look for the star, his pocket-book was gone; and the moment this was effected, Mackcoull suggested the propriety, as the star was not then visible, of sending for his glass, so as they might have a better view of this heavenly wonder; but as the baker would allow no one to meddle with his instruments, he went to fetch it himself;—while, finding a chaise at a little distance, waiting a return-hire to London, our hero jumped in, and proffering the driver a crown to himself to drive hard, as he was *on express business*, set off like lightning; and being set down, as he desired, at Charing Cross, he walked deliberately to the *ken* in Drury Lane.

He no sooner entered this den of wickedness, than his friend the squire informed him what his two companions had said, and how very ill they had used the *philosopher*. "Aye, aye," said

Mackcoull, "So, *sweet gentlemen*, you have taken the first word of quarrelling—you who have not only *fought shy*, and *bucketed your pells** for many a good thing you did, but who, contrary to all rules of honour among *family-men*,† left your friend on French leave, and ran to town as if you smelled a *gallow's-trap*‡ at your heels. Why, what in the name of wonder would you have had me to do? Did you not persuade me that many *good things* were to be done at the election; and did you really believe, if that was true, that I was to leave the scene of action without being in *a good thing*. You call me a *philosopher*, and you took that philosopher to Brentford, for what purpose?—to be humbugg'd by the *pot-wabblers!* No, no, Gents, I was determined to show them a little of *my science* first; and beginning at the top of the tree, I introduced myself to the *Master of the Rolls*, a man far-famed for astrology and star-gazing, and gave him such a lesson of astronomy as he never will forget. Indeed the man is ready to acknowledge to the whole world, that what I showed him was not only a real *plan-at*, but a *fair come-at*. And, moreover, as he made me a grateful and handsome return for my condescension, I shall treat you all to a round of *huckle-my-buff;* but there shall, however, be no division of booty; as my two friends there deserted their friend, it must be a *shack per swaw*‖ business.

* Concealed your booty.

† Thieves, and their associates. ‡ Bow Street officer.

‖ *Chacun pour soi.* Fr.—Every one for himself.

The whole company allowed that Mackcoull was in the right; and the remainder of the night, and a great part of the next morning, was, as usual, spent in dissipation.

About this period our hero was not only extremely unfortunate at the gaming-tables, but had got into sundry scrapes at these and other places, by using his hands in place of his tongue; and various actions at law were instituted against him. To defend him against the consequences, he, like all other men in that line of life, had recourse to the talents of a certain Newgate, or criminal attorney, well known in the *flash circles*, and who, like the rest of his tribe, knew well his man, and took care to draw out such a bill as was proportionate to the *character* and *ability* of a *gentleman pickpocket*. Mackcoull, however, was in no way concerned about the payment; on the contrary, he staved the *little* lawyer off with evasive promises, until a run of ill luck put it entirely out of his power to make him even a payment to account. Indeed, our hero was then in such low water, that he and Bill Drake rented a small *sky-parlour*, with a single bed betwixt them. The lawyer having written him many notes, without receiving any answer, at last beat up their quarters, and found his client in bed. He was somewhat astonished at the appearance of things, but, aware of the artifices of Mackcoull, he conceived the whole to be a deception; and with a long face, a good morning, Gents, and a long hem, he produced his bill, and holding it out to Mackcoull, posi-

tively assured him, that times were as light as a pair of *Rumford breeches*;* that he was confoundedly pinched; and if he got no money to-morrow, he would really *disgruntle* † him. Our hero pleaded poverty and ill luck; but the lawyer replied with warmth, That he was out at the elbows by advances for him, and *other gentlemen*, to keep them out of *quoad*; and it was d——d ungenteel to plead poverty, when he knew he had plenty: "For," added he, "you're never out of a *good thing*, and yet I have not seen your dust these six months. What the deuce do you do with it?—a hand like you to be laying in this garret is stuff: it's all a humbug, but I won't stand it—I see you don't mean to pay me. Here's your bill, God knows! with every item in it *as moderate as charity*. All the world knows how moderate I am, compared to other professional *gentlemen*, and yet you treat me with neglect. I must *cut with you*: but it will be your own fault if I *bum* you, for I don't like to do an *ungenteel* thing. Mackcoull again assured him he was as poor as a poet; and, adopting the best method possible to convince him of the fact, beseeched him, with much gravity, for the loan of a couple of guineas, adding, that he would return them, with a payment to account, in a very few days. Perceiving that no benefit could be expected to result from using harsh measures with our hero, the lawyer tried

* Rumford is famed for the manufacture of buckskin breeches.

† Among bum-bailiffs, to affront or disoblige.

to *sweeten* him: he said, he was sorry it was not in his power to comply with his request, for he could not at that moment command a *strike;** and "how can it be," he added, "when there is so much due me by *gentlemen like you*, who won't pay their bills; and then, although my advances are great, these oills are so moderately stated, and so much below the rates of other professional men, that I must be poor indeed, when I am so much out of pocket for a nothing." "Stop a bit, Mr W——" said our hero, "this is carrying the farce rather too far, and I would not allow my best friend to bely you so confoundedly. Why, for example, in these times when soldiers are so scarce, were our good king to embody you knights of the quill, and send you forward in battalions, what a formidable host we should see. Men already trained to all modes of attack—your *feints*, your *covered ways*, your *manœuvres*, and your *steps;* your *advance* would be *slow* and *sure*—your *looks* most appalling—and your *charge* would be terrible. But laying *metaphor* aside, lawyer, I find, on looking at this long bill of your's, a great many *real* advances, which do not savour much of moderation. For instance, where you used to charge me six shillings and eightpence, for a call at the *ken* of an evening or so, I see nothing but *smelts.*"† "Well," said the lawyer, "and this is my general rule with *gen-*

* Among bum-bailiffs, a pound sterling.

† Among the lower orders of London attornies, half-guineas.

llemen of your rank. Why, Jem, you're one of the first pickpockets in town, and one of the best *elbow-shakers* at the table. I know my business, and you know your's; and we shall not differ if you will only *do what is right.* For instance, now, to-morrow is Bartholomew fair; and as *I know you can do the thing*, I will call for you at the ken in the evening, to receive a payment to account. Is this a bargain?" Mackcoull said it was, and promised to meet him at the place appointed at ten o'clock.

As the hour struck, our hero entered the rendezvous, and found the little lawyer waiting him; but his countenance bespoke only dismay and disappointment. "There's no luck," he said, "in having to do with a lawyer or a priest. I never was so humbugg'd in my life—*I have had my hand in* FIFTY POCKETS, *and curse me if I touched a tilbury!**

This anecdote of our hero is so familiar to the thieving tribe in London, that they are often heard to exclaim, when in bad luck, "That the *best hands* in town will miss a hit at a time, like Jem Mackcoull at Bartholomew fair!"

The fortunes of men are often compared to the ebbing and flowing of the tide; and to none was the saying more applicable than our hero, for, although often stripped of his last shilling, he frequently found himself, in the course of twenty-four hours, possessed of more money than

* Sixpence;—the fare formerly paid for crossing the Thames at Tilbury Fort.

he could manage. It may therefore be imagined, that fortune soon enabled him to discharge the lawyer's bill, without submitting to the degradation of being *bumm'd* for it.

Mackcoull had now attained the age of twenty-eight, when he married a lady who kept a *Lodging-house.* His character and conduct were so notorious, that a deviation *from the same path* became necessary for his personal safety. The police were watching him in every direction; and although, when a *safe and snug* opportunity offered, he might put forth his hand, yet, like gentlemen who have seen much service, he judged it expedient to retire on the *pension-list.* He had long been on terms of the most intimate friendship with the lady, and finally resolved on taking her to wife, or, in the phrase of the ken, *making an honest woman of her.*

He now acted with much more circumspection, and appeared but seldom in his old haunts. He became very corpulent, and spent the greater part of his time either in gambling or in drinking and smoking in public houses. He was often to be seen in those places which are frequented by the *Broughtonians,* or gentlemen of the fancy, where pitched battles, or *ring-matches,* are generally *knocked up,* at all of which he never failed to attend, whether in town or country. He was now so well known to the public as an *amateur pugilist,* that it became necessary for him to relinquish, in a great measure, his former pursuits; for he never went to the theatre, of an evening, without being hailed by some new acquaintance

or other, who, for aught he knew, might be placed there by some of the Bow Street officers as a spy on his conduct: and, as his expenses at the gaming-tables, at ring-matches, and in taverns, were at times considerable, he prevailed on his wife to allow him five pounds a fortnight to keep his pocket, on condition that he was to give her whatever he could, with safety, take at the theatres or anywhere else. Some people assert that he occasionally carried home a considerable booty from places of public amusement, while others deny that Mackcoull fulfilled his part of the agreement, but, on the contrary, spent every sixpence he received, at the gaming-table. Be this as it may, they found means to remove to a much more elegant house in Clifford's Inn passage, which they furnished in the greatest style.

Mackcoull, to use the cant phrase, *stood high* at this time with *family-men.** He had hitherto strictly adhered to what is termed "*honour among thieves;*" in consequence of which his advice was not only asked by *friends*, when they contemplated any thing *great*, but it is believed he became the planner of several burglaries and other extensive robberies in and about London. In these, however, he took care to be no actor, but pocketed a share for receiving and concealing the stolen property until it could be disposed of. For a long time, it is said, he kept his wife in the dark as to the *receiving department*, and made the residence of his mother and sister the depôts of

* Thieves and their associates.

stolen goods; but, as the characters of these personages became every day more and more notorious, and the hovels they inhabited were frequently overhauled by the ferrets of the law, Mackcoull found it expedient to transfer that branch of his *industry* to his own residence. It is said that his wife strongly opposed the measure, and would not permit any of the light-fingered gentry to enter her house, if she knew them. But Mackcoull was not to be contradicted. Although in some things pretty pliable, yet he was one of those tender husbands, who, to use the old phrase, had never lived in *Queen Street;** and, instead of yielding to his wife when she argued on the propriety of keeping their "own hole clean," he enforced compliance by browbeating her. Whether it was merely from a wish to be *master in his own house*, or whether, from the length of time he had successfully carried on the trade of a receiver, and been lulled into a sense of security, that Mackcoull determined on converting his house into a receptacle for stolen goods, is uncertain. But he has often since been heard to declare, that no *greenhorn* could have acted with less prudence than he did on that occasion, and that he deeply repented his folly. To use his own words—"My wife was *rusty*, and I was *crusty*; some rich booties were on the road, I believe, and I *foolishly yielded to the temptation*, and *planted*† *them in Pitt's picture*." The lodging-house now became a depôt,

* Under petticoat-government. † Concealed.

not only for stolen goods of various descriptions (particularly silver plate), but also for stolen country bank-notes and bills of hand, which are termed by thieves *thick paper*, and which our hero was frequently employed to vend.* For a considerable length of time he only received the booty of the higher and more finished order of thieves, which was not only very valuable at times, and left a good return, but the thieves themselves gave him very little trouble: they were adroit practitioners——they conveyed their booties in quietness and safety—they were never seen in Mackcoull's company in London, for they generally managed to meet, by appointment, in the country; and he knew he had nothing to fear from their tongues, for, like himself, they were *game birds* of the first class. Not satisfied, however, with his emoluments in this way, and determined to *point* for himself, he had recourse to the *prayers* of the *minor clergy*, who were at that time extremely *zealous* in London. If, as he observed, no greenhorn could have acted with less prudence than he did, when he converted his dwelling into a depôt for stolen goods, it may be truly said, that his natural sagacity and prudence forsook him entirely when he conceived the idea of exposing himself to the unguarded conduct of a parcel of boys, some of whom were mere children. Various daring robberies were about this period committed by chimney-sweepers in London, who

* A person thus employed is termed, by flashmen, *a smasher of thick paper.*

entered houses and shops, &c. by descending the chimnies, and afterwards escaped by the windows or doors, being assisted by their associates who stood ready in the street. These young marauders, denominated by thieves the minor clergy. did not confine their depredations to the city alone; for many gentlemen's houses in the country, during the winter, were also entered and robbed of every thing valuable. It is asserted by some, that Mackcoull's house first came to be suspected as a receiving shop, in consequence of some link-boys or chimney-sweepers having been observed with bundles in their hands, standing near the corner of the street, and being relieved of their burden by two women of rather mean appearance, who carried them into the house. It is also said that the place allotted by our hero for the most valuable stolen property he received, was a recess formed by the shutting up of a window, termed by him *Pitt's picture.** This recess was so accurately covered in, pannelled over, and afterwards papered, that it was impossible to perceive any aperture or joining; and, on a warrant being granted and the house searched, the officers went away without finding any thing suspicious. It is believed that the recess was concealed by a kind of door, which covered the whole space formerly occupied by the window, and extended from a corner of the room to the side of the mantle-piece, where there was a pillar. This door, or covering, which reached from the ceiling to

* In allusion to the window-tax.

the floor, was not suspended by hinges, but, by merely pressing down two deals of the floor, lost hold at the top, and fell forward, and could be replaced in an instant, in the same way by which it was opened. Whether from private information, or from mere dint of perseverance, we cannot say, but certain it is, that, on a second search by the police-officers, *Pitt's picture* was discovered, and an amazing quantity of stolen goods of various descriptions was found. A warrant was immediately issued against Mackcoull; and a person who, it seems, acted as a kind of go-between, having been apprehended on suspicion, he found it absolutely necessary to take a *trip to the West Indies*, or, in other words, to leave London, and secrete himself in the country. Every exertion possible was made by his friends and associates to get the matter adjusted; but it was of such magnitude, and the parties robbed were so very respectable, that all offers of restitution and indemnity were treated with contempt: Mackcoull was well known as an old offender—he could expect no mercy; and, if taken, might lay his account with being banished for life. Thus situated, our hero embarked for Hamburg, where he arrived in the spring of 1802. Here he assumed the name of Moffat, or, as he misspelt it, Moffot. For some time after he went to Hamburg, he was supported entirely by the remittances he received from his wife. But having introduced himself at the gaming-tables, he not only found means to obtain a livelihood, but was so extremely fortunate in play (as he said),

that he purchased and sent his wife sundry bills on London to a considerable amount. It may, however, be doubted, whether he fairly earned all this money at the gaming-table; and whether, in a place where he was not known, nor at first even suspected, he did not now and then yield to temptation, and put forth his hand, especially in the theatres, where he was a constant lounger, and where, no doubt, a rich booty might occasionally be had, as well as in London. After having lived in Hamburg for twelve or fifteen months, he took a neat little house in the *Grosse Bleichen*, which had formerly been occupied by a commercial agent who collected goods of different descriptions for the Leipzig fair, and who had converted a part of the ground-flat into a kind of counting-house. This was an excellent cover: Mackcoull took out a *Burger brief*, or burgess-ticket, and pretended that he followed the same profession as the person who had just left the premises; or, in other words, that he was a commercial man, and had established himself there as an agent, for the purpose of receiving and transmitting to the interior of Germany consignments of goods which were to be made him "from his numerous and respectable connexions in almost every part of Great Britain, but particularly from Scotland," of which country he asserted he was a native. He was always to be found at a tavern kept by an Englishman of the name of Lillburn, on the *Fortsetzung*, which was much resorted to by shipmasters, and other persons from England. Here he was generally accompanied by his friends

Schroeder and Whistler, *alias* Wisler; and the party were known and regarded as notorious gamblers, who, in spite of their pretensions, had no other means of subsistence. And there are many mercantile people, belonging to this country, who had occasion to be in Hamburg during the years 1802, 3, and 4, and were in the habit of frequenting Lillburn's, who well recollect the *red-faced loquacious gambler*, Mr. Moffot, and his associates, who were sometimes the amusement of, and sometimes a pest to the coffee-room. So soon, however, as our hero acquired a smattering of the German language, he frequented the gaming-tables of the higher orders of society in Hamburg, and even of the nobility from the interior of Germany, in their occasional visits to that city; and it is asserted, as a fact, that, on more occasions than one, *he played billiards with the late Duke of Mecklenburg Schwerin*, as *Captain Moffot*, and lightened his Highness's purse of not a few pistoles!

During one of the fairs at Hamburg, independent of what, it may be fairly presumed, he obtained in his old way, Mackcoull possessed himself of a web of linen in the following singular manner:—Seeing a number of weavers from the interior, about to strike their booths on the last day of the fair, our hero, in the dusk of the evening, went up to one of them, who had a large assortment on hand, and telling the man he was *major-domo*, or butler to Count something or another, at a hotel called the *Wiener Hoff* (the Court of Vienna), who wanted a web of the *finest*

linen for shirting, he fixed on one which was shown him, and placing it, with the most familiar assurance, on the shoulder of the weaver's boy, desired him to follow him to the *Wiener Hoff*, that he might show it to the Count, and, if it pleased, to receive the money for his master. The man, unconscious of any trick, made his best bow; and the boy followed our hero through different streets, until they came near the hotel, when Mackcoull, taking the web from the boy, told him to stand, and keep his eyes fixed on a window, which he pointed out as being that of the Count's apartment, and from whence he would beckon him to come up with his measure, if the linen pleased, or, if not, to take it away. The principal entrance to the hotel is by a spacious door, up a few steps.—On reaching the landing-place, inside, different stairs branch off to the apartments above, and a wide passage leads through the house to another street. Mackcoull mounted the steps, inquired for the same fictitious personage he had mentioned to the weaver, and, expressing his astonishment at not finding him, passed through to the opposite street, and got safe off with his booty. His associates at Hamburg gave our hero great credit for the masterly style in which he did the weaver out of his web; and, in their own private circles, used to call him, *Der Kaiserlichen Leinwandhändler*, or the Imperial linen-draper.

He made frequent excursions to Leipzig, and other cities in the interior of Germany, during the *Jahrmarkt*, or fair, in which he was generally ac-

companied by Mr Whistler, as his travelling clerk; and it need not be doubted that they were in *many good things*. We have seen a passport, obtained by Mackcoull on one of these occasions, from the Danish Minister at Hamburg, which runs thus:—"Permit the bearer, Mr Moffot, *burgess and merchant of this city*, and his *Clerk* Wisler, to pass from this city to Leipzig," &c. as if, in fact, he had really been engaged in mercantile business, and was travelling the country, as he declared, to buy and sell goods, and form connexions in trade. In the year 1804, he found it necessary to leave Hamburg, having been suspected of stealing, in the lobby of the theatre, a gold watch of great value, and a pocket-book in which were some costly gold rings, and a cornelian necklace, with a miniature in front, and went to Rotterdam, where he continued for about nine months. He frequented a house called the Edinburgh Castle, kept by a person of the name of Brown, at the *Leuven-Haven*, and lived as he did at Hamburg, by gambling and his old tricks. Here, however, he was not so fortunate as at Hamburg, but rather got into debt. He mixed only with shipmasters, and merchants' clerks, who were from England or Scotland, and, it is said, lost immense sums of money at play. He left Rotterdam and returned to Hamburg, rather in an embarrassed state; for he had, for some time previous to his departure, subsisted by borrowing from one acquaintance to pay another, and, to use his own phrase, had been forced, not

only to *manœuvre the apostles,** but to *pull the devil by the tail.* He remained but a short time at Hamburg, and then went to Tonningen, in Holstein, where he embarked for London. Here, however, he found it impossible to tarry long in safety; and after remaining, for a short period, in hiding, he took his passage to Leith by one of their smacks. On his arrival at that town, in September 1805, he remained a few days at the Ship Tavern, on the quay, kept by a person of the name of Cairns, and then took lodgings near the foot of New Street, Canongate, where he passed by the name of James Moffat.

When he first came to Edinburgh he lived very retired, as if afraid of being known *in that city,* and as if contemplating something of magnitude. He *avoided* all *gaming-houses,* and, in general, confined his operations to the pit of the theatre; but, as sundry people had their pockets picked there, and also at Hallow-fair, and the Grass-market, a thing which at that time rarely occurred in Edinburgh, can it for a moment be questioned whether our hero had not been exercising his abilities at those places which afforded such excellent scope for his talents? He was, however, frequently seen in Leith. He used to come down the Easter Road, from the Canongate, and return by the Walk, in the dusk of the evening, and sometimes at night. He generally dined at the Ship Tavern, and spent the afternoon in the pub-

* Robbing Paul to pay Peter.

lic room, drinking and smoking with the masters of the smacks, and other shipmasters.

During the spring of 1806 he was detected in attempting to pick a gentleman's pocket, in the passage leading to the pit of the theatre, betwixt the play and farce. A town officer (Campbell), who then attended the theatre, was called to take him into custody, but, before he could get through the crowd, he broke from those that held him, and made his way into the street. The officer, however, followed him, and Mackcoull ran with great speed towards a stair, which then led from the head of Leith Street to the Low Calton, through a kind of court or close called the Salt Backet. Here, finding that our hero was getting away from him,—being otherwise unarmed, and without an assistant, the officer, who is a heavy, powerful man, fetched him a most tremendous blow with a stick on the back part of the head, and Mackcoull fell senseless down the stairs, and groaned heavily, which intimidated the officer so much that he returned to the theatre, without securing him, impressed with the idea that he had killed him on the spot. The blow, indeed, had been very severe:—He came to his lodgings covered with blood, and told the widow woman with whom he lodged, that he had been set upon by some drunk sailors coming up Leith Walk, who had used him very ill. He was not only confined to his lodgings for a considerable length of time, in consequence of this affair, but it is believed that the deep scar or cut on his forehead, which he always endeavoured to cover or conceal

with his hair, when his hat was off, was actually formed by the blow he received from the officer's stick, at the stair leading to the Salt Backet, or the severe fall which he experienced in consequence of it. When asked in London, by some of his flash friends, how he came by the scar on his brow, he said "he had got an *Indorsation* from a *Kenchin-cove** in Edinburgh, who laid *Cain on Abel* so smartly, that he lost his balance and fell down a stair." In the course of the summer he was, however, occasionally seen in Leith, and, during the harvest, was frequently at the Ship Tavern on the quay, and was sometimes spoken with in the pit of the theatre, by gentlemen from Leith, who were in the use of frequenting the coffee-room.

In the beginning of the month of November following, William Begbie, porter to the British Linen Company, was stabbed in the entry leading to the Bank, which was then situated in Tweeddale's close, Netherbow, and robbed of a bag containing bank-notes amounting to nearly £5000. A number of suspicious characters were apprehended, and examined by the Sheriff of Edinburgh, who displayed the greatest zeal and exertion possible to discover the murderer, but in vain. The whole of the persons brought before him, with only one exception, having produced the most satisfactory and unequivocal proofs of their innocence, were discharged—and that exception was John Hogg, carrier betwixt Edin-

* An inferior officer of police.

burgh and Perth, a man of very dissolute and irregular habits, of great bodily strength, and known to be a dangerous and desperate character. He was kept in custody for a considerable time, on suspicion, having been seen in the Canongate *a very short time after the murder was committed*; but, it has since been ascertained, he was then going about a different business, the disclosure of which would have subjected him to a capital punishment; and, by refusing to account for the way in which he had passed his time that evening, he was kept in custody, until facts and circumstances appeared to warrant his discharge. Indeed, the reader will be satisfied, from the sequel, that he was not the murderer.

Mackcoull was a character altogether unknown to the police of Edinburgh at the time, and was entirely beyond suspicion. It is true he had been followed by an officer out of the theatre about eight months before Begbie was murdered, and was knocked down by that officer in the dark (without having been then taken into custody or examined); but the officer had *never seen him before*, did not know his name, or place of abode, and *did not see him again until nearly three years thereafter*, when he was apprehended for picking a gentleman's pocket in the pit of the theatre, and when he recognized him to be the same person whom *he imagined he had killed* at the Salt Backet. It may therefore be said, that he was at large upon the public without being known, or even suspected; for, from having a smattering of the German language, he

passed at Leith for a merchant who had been driven by the French out of Germany, which was the case with too many individuals at that time; and, as several of the Leith shipmasters had seen him both at Hamburg and Tonningen, and as he had been a passenger in one of the smacks from London to Leith, his story was not only believed, but in a manner corroborated by the shipmasters themselves.—Whether Mackcoull was or was not the murderer of William Begbie, is difficult to be determined; but it is evident that he might have committed the murder at that time without suspicion.

Having been favoured with a copy of Mr Denovan's memoranda relating to the murder of William Begbie, which were taken by him when at Edinburgh, on Mackcoull's trial, in May 1820, we found that they displayed a strong and connected chain of circumstances—contained a fund of new and important information, and were so materially linked with our narrative, that we shall insert them in his own words, and leave the reader to draw what conclusion he may think proper:—

"I first saw James Mackcoull in the autumn of 1805, at the Ship Tavern, in Leith. I was told by some of the shipmasters, that he had fled from Hamburg, where he carried on business as a British merchant, and had come to Leith by the way of Tonningen. It was at that time rumoured that the French Government intended seizing on Hamburg, and confiscating all British property which might be found in that city; and as I had

seen several gentlemen who left Hamburg on that account, I did not, at first, doubt the truth of what was told me. His appearance struck me, however. He was too forward—had a great flow of spirits—affected to be witty, and seemed very fond of drinking and smoking. He engrossed the whole conversation of the public room, and, as I thought, had more than a wish to convince the company he understood German, by now and then using a German word, and saying, 'As we call it in Hamburg, you know.' Curious to know whether he was a dab at it, I managed to get near him, and after addressing him in German, and endeavouring to fall into conversation, I found he was not able to support it, having merely a smattering of that language; and, although he might have carried on some kind of business in Hamburg, in a small way, I was convinced he was no merchant, for he could not even satisfy me as to the rate of exchange betwixt Amsterdam and Hamburg, when he left it. Indeed he appeared to know nothing of exchanges, which behoved to be familiar to him, if he was a merchant in Hamburg. I therefore disbelieved the story of his having been in that line; but, from his general deportment and conversation, I had no reason to suspect he was a robber.

"Mackcoull was in the habit of frequenting the Ship Tavern for about twelve months previous to the murder of William Begbie. I met him often on Leith Quay, on Leith Walk, and the Easter Road leading from Leith to Edinburgh. He was sometimes wrapped in a brown surtout, and

Belcher handkerchief, with what is termed by flashmen a *penthouse nab*, or full-brimmed hat, somewhat slouched, and rather shabby; at other times he was dressed in a black coat and vest, drab cloth or thickset breeches, white worsted stockings, sometimes shoes and sometimes half boots, a full-brimmed hat, and white neckcloth, and appeared rather genteel. Although I had not, at the time, the most distant suspicion of Mackcoull, yet I recollect distinctly, that *he disappeared immediately after the murder.*

"I met him in Edinburgh about twelve or fifteen months afterwards: he came up to me with an air of familiarity—asked how all the good folks in Leith did, and told me he had been a *voyage to Jamaica*, and returned by the way of Greenock. His appearance, I thought, was improved; he was also more corpulent, and his face, which was naturally red, had assumed a deeper hue, while his nose, which was formerly of a crimson colour, now boasted the royal purple. He also told me, that, while in Germany, he had picked up a new method of staining leather, and meant to follow that profession in Edinburgh;—that he then lived in lodgings, in Mid-Rose Street, where he had an apparatus for showing the process in miniature, and invited me to come and see it. The same day I saw him walking arm in arm with a notorious gambler, in front of the Register Office; and, shortly thereafter, I met an old friend belonging to the navy, who pointed him out to me, and told me such stories of him as made me conclude he was a very bad character. It certainly

never struck me, until lately, that he had anything to do with the murder of William Begbie, nor do I positively say he had; but having found it necessary, on a late occasion, to take a retrospect of Mackcoull's conduct and character for some years past, many very strong circumstances appeared to warrant at least a presumption of the fact. I therefore put them down as they presented themselves to me, and shall think my labours well bestowed if they should, in any way, tend to elucidate an affair which has hitherto baffled every investigation—which is veiled in mystery—and which, from the lapse of time, is daily becoming more obscure.

"Mackcoull was a pickpocket, a thief, a receiver of stolen goods, and a vender of stolen bank-notes. He came to Edinburgh with no other intention than that of living, as he had formerly done, by plundering the public: his resort was Leith, and he generally left that town *in the afternoon, or dusk of the evening*, to go to his lodgings, which were then situated *NEAR THE FOOT OF NEW STREET, CANONGATE, a very short distance from the spot where Begbie was murdered.* He lived *very retired at that time*, and probably was then planning the robbery of one of the banks at Leith; but having, in the course of his perambulations, ascertained that the porter of the British Linen Company did, every day, carry a bag with money from the Leith to the Edinburgh office, the idea of robbing the porter, instead of entering the bank, may have suggested itself, as a step likely to be attended with less risk, less

danger, and less trouble; the more especially as the Edinburgh office was but *a few hundred yards* distant from his lodgings, to which, if he robbed the porter in the entry leading to the bank, and which indeed was the only spot where it could be effected, he had an excellent retreat through closes and bye-lanes to New Street. I shall charitably suppose that he, at first, intended only to rob the man, without offering him much personal violence; but finding, from repeated observations, that this was impracticable, he had, on a determination to possess the prize, worked up his mind to commit the fatal deed. I have heard some people remark, they could not, from his looks and manner, believe that Mackcoull would be guilty of murder; that he did not appear to be of a ferocious disposition; and, although he was a thief, they thought him incapable of cruelty. But let those who argue thus, be told, that they *only saw the good side of a man they did not know;*—that vice is progressive; and that there are no bounds to the depravity of a heart habituated to crime and deaf to the voice of conscience. I do not aspire to such skill in physiognomy as to be able to form an estimate of the good or bad qualities of the mind from the features of the face; and although I am ready to admit that the face is *often* the index of the mind, yet there is no rule without exceptions; and I have known many a good honest fellow with the most unprepossessing features. I do not pretend to say that the strong-marked features of a deep-thinking and studious man are not indicative of

the labours of his mind; for I have often remarked the change that takes place in the features even of a young man who has abandoned himself to gaming. But I never could perceive anything in the face of a man guilty of murder, which denoted a corresponding ferocity of disposition; on the contrary, I found the most unprepossessing countenances generally belonged to physical weakness or simplicity, while, under the mask of complacency, the simper of diffidence, and the treacherous grin, lay concealed the serpent that could destroy his own species. The murders in Ratcliffe Highway, which are without a parallel in the annals of crime, were committed by *one man*, who must have sedulously and deliberately meditated the perpetration of them; yet the face of this monster (I mean Williams, *alias* Murphy) betrayed no mark of ferocity or determination; on the contrary, he had a placid countenance, bordering on simplicity—a soft and rather dull eye—a kind of grin or half-formed smile—and the whole countenance was rather agreeable and insinuating than otherways. Mackcoull's features are, however, of a very different cast, particularly his eyes; and if those gentlemen, who formed their opinion from merely seeing him over a glass in a coffee-room, had said or done any thing to irritate him (for he was extremely passionate), they would have beheld a physiognomy both frightful and disgusting.

"The person who it is thought murdered Begbie, was observed, by some children, to run out

of the bank close, *and go down Leith Wynd, but no further trace of him could be obtained.* It also came out, in the course of the investigation, that a gentleman belonging to Leith, on his way from Edinburgh, met Begbie going up the walk, and observed a *mean-dressed* man, *like a porter*, on his one side, who *appeared* to be walking with him; and although this person was advertised in the public papers, to come forward and be precognosced, he never appeared; which, joined to other circumstances, contributed to the long detention, in custody, of John Hogg, the Perth carrier, who, it was then strongly suspected, had committed the murder.

"But the description of the person who *was seen running out of the close*, did not at all correspond with that of the porter who was seen *walking with Begbie up Leith Walk*. Chance, however, enabled me to bring a very different person into view. I heard that a sailor, who was *then* in the employ of a certain shipowner in Leith, *had actually seen Begbie murdered*—so went the report; but having, next day, sailed for the Mediterranean, his evidence was not taken; and that the vessel to which he belonged, having been captured by a French privateer, on the home voyage, he had been marched into the interior of France, where he was kept a prisoner during the remainder of the war, and had only returned to Leith during the preceding year.

"I soon discovered the person alluded to: he now keeps a school in Leith, and is a very industrious, good man. The following is the account

he gave me of the matter:—'I was, at that time (Nov. 1806), a boy of fourteen years of age: The vessel to which I belonged had made a voyage to Lisbon, and was then laying in Leith harbour. I had brought a small present, from Portugal, for my mother and sister, who resided in the Netherbow, Edinburgh, immediately opposite to Tweedale's close, leading to the British Linen Company's bank. I left the vessel late in the afternoon, and, as the articles I had brought were contraband, I put them under my jacket, and was proceeding up Leith Walk, when I perceived a tall man, carrying a yellow-coloured parcel under his arm, and a *genteel man*, dressed in a black coat, dogging him. I was a little afraid: I conceived the man, who carried the parcel, to be a smuggler, and the gentleman who followed him, to be a customhouse or excise officer. In dogging the man, the supposed officer went *from one side of the Walk to the other*, as if afraid of being noticed, but still kept about the same distance behind him. I was afraid of losing what I carried, and shortened sail a little, keeping my eyes fixed on the person I supposed to be an officer, all the way up the Walk, until I came to the head of Leith Street, when I saw the smuggler take the North Bridge, and the customhouse officer go in front of the Register Office; here he looked round him, and, imagining he was looking for me, I hove to, and watched him. He then looked up the North Bridge, and, as I conceive, followed the smuggler, for he went the same way. I stood a minute or two where I was, and then went forward,

walking slowly up the North Bridge. I did not, however, see either of the men before me; and when I came to the south end, or head of the Bridge, supposing that they might have gone up the High Street, or along the South Bridge, I turned to the left, and reached the Netherbow, without again seeing either the smuggler or the officer. Just, however, as I came opposite to Tweedale's close, *I saw the customhouse officer come running out of it, with something under his coat:* I think he ran down the street. Being much alarmed, and supposing that the officer had also seen me, and knew what I carried, I deposited my little present in my mother's, with all possible speed, and made the best of my way to Leith, without hearing any thing of the murder of Begbie until next day. On coming on board the vessel, I told the mate what a narrow escape I conceived I had made; he seemed somewhat alarmed (having probably, like myself, smuggled some trifling article from Portugal), and told me, in a peremptory tone, that I should not go ashore again without first acquainting him. I certainly heard of the murder before we left Leith, and *concluded that the man I saw was the murderer;* but the idea of waiting on a magistrate, and communicating what I had seen, never struck me. We sailed in a few days thereafter from Leith, and the vessel to which I belonged having been captured by a privateer, I was carried to French prison, and only regained my liberty at the last peace. I cannot *now* recollect, *distinctly*, the figure of the man I saw; but he was *well dressed*,

had a genteel appearance, and wore a black coat. I never saw his face properly, for he was before me the whole way up the Walk; I think, however, that he was *a stout big man, but* NOT SO TALL *as the man I then conceived to be a smuggler.*'

"I think there cannot be a doubt that the supposed officer was the murderer of Begbie; especially when it has been fully ascertained that the vessel, to which the young man then belonged, left Leith, for the Mediterranean, a very few days after the murder. Although it is to be regretted that his evidence was not taken at the time (when, probably, a more accurate description of the murderer could have been given), still I do not see that it could have been of much consequence; for Mackcoull (if he was really the murderer) was not only then unknown to the police, but actually *left Edinburgh immediately thereafter*, without being suspected either in one way or another.

"In 1809, a desperate and daring character was apprehended at Edinburgh, in consequence of a private information, and brought before the Sheriff. He resided at Fountainbridge, in the suburbs of the city, and went by the name of *Harrison* or *Harrisow*—but his real name was *William Thorpe*. He had been convicted at the Warwick assizes, in 1803, for stabbing a man near Birmingham, whom he intended to have robbed and murdered, and was cast for death; but, at the intercession of the prosecutor, I believe, the sentence was commuted to transportation for life; and he was, in consequence, sent to the Hulks.

He made his escape, however, and came down to Scotland. How long he may have resided in Edinburgh is not distinctly known; but I have every reason to believe, that it was this man, in concert with a certain infamous character from the neighbourhood of Newcastle, who robbed the Dunbar Bank, the house of the late Dr. M'Niel, on Leith Walk, and the shop of the late Mr. James Paterson, in the Kirkgate of Leith. He was well known at Bow Street, as *Bill Thorpe*, alias *Red Will;* and Anthony, who was then one of the senior officers, gave it as his opinion that Thorpe was the murderer of Begbie; and indeed, in some respects, he answered the description of the person who purchased the knife, with which, it was supposed, the poor man was stabbed; but, as this opinion was made known to the Honourable Baron Clerk Rattray, then Sheriff of Edinburgh, whose exertions to discover the murderer of Begbie were unremitted and indefatigable, it may naturally be presumed that, had any thing appeared to warrant a belief of the fact, or even of his having resided in Edinburgh at that period, his Lordship would not have allowed him, as was the case, to be returned to the Hulks, without fully investigating the matter. Bill Thorpe was, besides, a *very stout, coarse-looking man,* FULL SIX FEET *in height,* and did not at all answer the description of the man who was seen dogging the porter up Leith Walk.* In 1810, however, it was firmly believed that the murderer

* William Begbie was about 5 feet 10, or 5 feet 11 inches high.

was found in the person of *Richard Wright*, alias *Black Dick*, who was apprehended by my friend, Mr. William Adkins, then an officer of the Public Office, Bow Street (now governor of the House of Correction, Coldbath Fields), for robbing the Whitehaven bank, of which he was convicted, and suffered death. Wright was known to be of *a very blood-thirsty disposition*, and made the most desperate resistance when attempted to be apprehended. He had declared he would not be taken without first 'killing his man;' and had a brace of small pistols, in his breeches-pockets, loaded and primed, ready to put his threat into execution. While under sentence of death, the question was put to him, but he *positively denied all knowledge of the murder*. And, although I allow he was one of those hardened villains who never confess their crimes, even under the gibbet, still I do not see why it should be tacitly believed that he was the man. Owing to the desperate and determined character of Wright, *a suspicion arose that he might be the murderer*, and Adkins was officially employed to endeavour to ascertain the fact.—Wright, as I have observed, *denied every thing;* and Adkins judiciously applied to one of Dick's *female friends*, who told him, she knew that he and *some other bad characters* were in *Scotland about that time;* that Dick was very capable of committing such a crime; and, although '*she believed he might have done the thing*,' still she could not *assure* him of the fact. This, so far from fixing the crime on Black Dick, rather, in my

opinion, proves his exculpation:—The woman with whom Adkins had the interview, could not say *she was in Edinburgh* with Dick, *at the time of the murder*:—she knew very well *with whom* she was conversing; and as her word was, at best, unworthy of credit, it was just as well to say the one thing as the other, *to please the gentleman*, who might probably reward her for saying *what she perceived he wanted her to say*; especially *as Dick was cast for death*, and, she was sure, would *die game*. But she spoke the truth when she said, that he and *some other bad characters* were in Scotland about that time: Dick was seen in Glasgow, in 1807, in company with John Stocks, *alias* Stockton, and one or two associates, who were concerned with him in robbing the Whitehaven bank; Stocks was well acquainted in Edinburgh, and other towns in Scotland; but Dick had never, before that period, been in the North, to which he was an entire stranger. If, therefore, he came to Edinburgh, *with the gang*, and committed the murder in question, *it could not have been done without their knowledge*; and I maintain, if this was the case, *that Stocks would have disclosed the fact, when he lay under sentence of death in Carlisle jail.* I saw him at that time, and am satisfied, from *the state he was then in*, that he would have immolated half the thieves in England to have saved his own life:—Besides, Dick was not *then* in custody, for robbing the bank; and as *Stocks knew very well where he could be found*, is it at all probable that he would have lost so favourable an opportunity of '*sherk-*

*ing the nubbing cheat?'** In fact, *it has never been ascertained* that Dick was in Edinburgh at all;—or, if he really was there, it could only have been, for a very short space, *along with Stocks and others*, when it is hardly credible he had time to plan and commit the murder. It is still less credible, if he was the murderer, that he would have confessed *this crime*, or exposed his life to an abandoned woman, who, in the heat of passion, might probably, for a very trivial cause, sacrifice him to her resentment: and lastly, Dick was a *stout square-built man*, rather corpulent, of a *very fair complexion*, and not at all answering the description of the person seen by the young man dogging the porter up Leith Walk. He describes that person as a *stout big man, with a black coat*, and of a *genteel appearance*;—while Black Dick, who was a *very plain-looking man*, generally wore *a long dark grey or frock-coat*; and in every respect, had *the look of a horse-jockey* or groom.

"I have been thus particular, as to these two characters, as they were the only men on whom a sort of reasonable suspicion rested:—and, because, even to the present moment, many gentlemen of Edinburgh implicitly believe that Black Dick was the murderer of William Begbie. I repeat, that James Mackcoull was never, until now, suspected; and, although I do not directly charge him with committing that crime, still I conceive that the facts and circumstances, which

* Cheating the gallows.

I have already collected, added to those that follow, go a great way to exculpate Thorpe and Wright, and to fix the murder on Mackcoull.

"Immediately after the murder, Mackcoull left Edinburgh, and, it is believed, went into England.—I saw him twelve or fifteen months afterwards, when, as before stated, he said, he had been a voyage to *the West Indies.** I was told by gentlemen, who saw him, that he had been in Edinburgh for sometime before I met him; and, I learned, though not with astonishment (for I had by this time been apprized of his character), that, in place of *the West Indies, he had been at Dublin.* He arrived in that city, in *November* or *December* 1806, and left it in the autumn of 1807. Here he assumed the name of *Captain Moffat*—frequented the principal gaming-houses; dressed well;—and, instead of being suspected of any thing improper, was looked upon, for long, as a better kind of man. In the spring of 1807, he was joined by two strange characters, the one of whom he called *Mr Wyndham,* and the other *the Doctor.* The first of these I believe to have been Harry French, not only from the description of his person, but from his having often amused the company (in a coffeeroom they frequented in Dublin) with an account of the islands in the Pacific Ocean, and of his ad-

* Mackcoull always made a voyage to *the West Indies* when he committed a crime and found it necessary to decamp; or, in plain English, shifted his residence, or went into concealment, and got his friends to circulate the report of his having sailed for *the West Indies.*

ventures with the natives: for when French lived with Mackcoull and Huffey White in Glasgow, previous to breaking the Paisley Union bank, he was in the habit of entertaining his landlady's son *with the same stories.* It is also well known that French, who was bred to the sea, had made one or more voyages to that quarter of the globe; while *the Doctor*, I have reason to suspect, was a music engraver from Tottenham-court Road, London, whose etching needle, like the dagger of Hudibras, was applied to many purposes. During their stay in Dublin, they occasionally left town *rather in a mysterious way*, and were observed on their return *to be full of money.* Several footpad robberies were then committed in the neighbourhood of Dublin, and I have no doubt that Mackcoull tried his luck at *low tobby*,* with his two friends, who were excellent hands at a *dash*, especially French, who, it was supposed, had committed many daring footpad robberies in England. In the autumn of 1807, however, Mackcoull was detected in picking a gentleman's pocket, in the pit of the theatre, of a bag, containing *ninety-six guineas in gold*, for which he was committed to a jail in that city, called Newgate, and of which he would, in all probability, have been convicted, but the prosecutor having died before the sessions commenced, *Captain* Moffat was of course discharged. On getting out of prison, he found it necessary to leave Dublin, for two reasons: first, because the affair had made a great noise; and, secondly, be-

* Footpad robbery.

cause Mr Adkins, of Bow Street, having occasion to be in that city, identified the *soi-disant* Captain as the noted Jem Mackcoull of London. He returned to Edinburgh in the end of September, or beginning of October, 1807; and, deviating from his former line of conduct, frequented several gaming-tables and coffeehouses as *Mr Moffat*. Instead of his retired abode at the foot of New Street, Canongate, he took *genteel lodgings* in Mid Rose Street, and, in general, not only dressed better than formerly, but mixed with rather a higher and more fashionable class of society. He was the constant companion, for long, of many of our first-rate gamblers, and was frequently to be seen at select parties of young gentlemen of fortune, whose acquaintance he had gained at the gaming-table. He was, at this time, very seldom in Leith, but was *often seen and spoken with, in the pit of the theatre*, by gentlemen of that town, to many of whom he repeated the same story of his having made a voyage to *the West Indies*.

"About the period of Mackcoull's return to Edinburgh, or shortly thereafter, *the large notes of which William Begbie was robbed were found carelessly laid in the hole of an old dyke or wall in Bellevue grounds*, which were then breaking up to be feued and built on. Mackcoull, as I have observed, took lodgings in Mid Rose Street, where he had two large tubs or vats, in which he pretended to stain lamb and sheep skins, on a new plan; and he carried many of his acquaintances there, to show them (to use his

own expression to me) the process in miniature. He was anxious to impress all and sundry with a belief that he actually *lived and made money* by this wonderful discovery; and many fools were so gulled by his stories, that they gave implicit credit to what he said. I found no difficulty, in the inquiries I have been making, to discover where, *at that time*, he *purchased* the skins, in a raw state; but I never could hear of any one who *bought* stained leather from Mackcoull. His trade was, therefore, a mere pretext, by which his real conduct was covered. I found that he now and then purchased a very few lamb and sheep skins, from a decent, industrious man, of the name of Watson, a skinner at Canonmills, to whom he paid more visits than was necessary, as he said, for the sake of taking the air; *and that his walk from Mid Rose Street, to the skinner's, was through Bellevue grounds, and by a kind of foot-path, which led along the dyke or wall, where the notes were found, to the head of the loch at Canonmills.* At that time it was certainly rumoured and believed that the British Linen Company, by having put a certain stamp on all their large notes (on a conviction that those of which Begbie was robbed were not in circulation), would be able to discover the stolen ones, and, of course, detect the person who offered them in payment. Mackcoull, impressed with this belief, and afraid to make the experiment of *smashing* them, as I presume, had, at length, come to the resolution of giving them up, and he chose this spot, where they would soon be

found, and which, from its situation, would only add to the mystery in which the whole of this affair is involved.

"Some people imagine that the notes had been secreted in this wall *the same night*, or *shortly after the murder was committed*, and had lain there *for about twelve months*, until *accidentally* discovered by two labourers: But this opinion appears to me to be very ill-founded. If the murderer could manage, *in the dark*, to *separate the small notes from the large ones, and meant to conceal the latter, to avoid detection*, or to answer his purpose afterwards, he would, in all probability, have allowed them to remain in the *orange-coloured bag* (in which they were taken from the porter), in order to preserve them, as well as to *keep that article out of sight*; and he would have placed the whole in such a situation *as not to be seen*:—But the notes were found, lying open, in the hole of a wall, daily exposed to the view of men in a certain posture, and not above a yard or two from their eyes. Such a spot as this could never have been chosen, either for concealment or security.

"My reasons, however, for supposing that Mackcoull placed the notes in the hole of the wall, are not founded altogether on his merely walking through Bellevue grounds, and in the very direction where the notes were found. I presume that his after conduct, while it betrays a dread of detection, tends to support this hypothesis:—He *immediately abandons his lodgings in Rose Street*, and takes up his abode—not in the

direction of Canonmills, but *on the very opposite side of Edinburgh,—in a remote house*, belonging to a gardener of the name of Boston, about a mile distant from the city. Surely a more out-of-the-way situation for a gambler and a pickpocket could hardly be figured: but it is probable that, after depositing the notes in the wall, a dread or apprehension had seized him, which he found it impossible to shake off; and, deprived of courage sufficient to continue his walks through Bellevue grounds, he falls upon an expedient which afforded a plausible reason for relinquishing them, namely, that he had taken country lodgings for the benefit of his health!

"Whether it was a common practice with Mackcoull to conceal stolen property in the fields, when he was apprehensive of danger in carrying it to his lodging, I cannot pretend to say; but I have ascertained that, after the robbery of the Paisley Union Bank, he *concealed a considerable portion of the notes in a field near St. Pancras Church, in the suburbs of London*; and I conceive there is, at least, a strong presumption of his having put down the large notes of the British Linen Company at the spot where they were found." * * * * * * * * *

When Mackcoull took up his abode at Boston's, as stated by Mr. Denovan in the foregoing memoranda, he complained of bad health, and assigned that as a reason for taking country quarters. He also told Boston that he was by trade a dyer, or stainer of leather; meant to carry

on business in that line; and asked his landlord to look out for a small place about the south side of the town, where he could erect an apparatus for that purpose, and work *without being seen or overlooked by his neighbours:* "For it was a new discovery, and he was determined not to teach any one without being well paid for it." Boston accordingly made inquiry, and a small place at Newington, which had formerly been a kind of tan-yard, was taken for Mackcoull. Here the old farce was resumed; but, to give the affair a kind of mystery and importance, Mackcoull did not use the pits as tanners or skinners do, but had a large wooden vat made on purpose, to which he confined the whole of his operations. Although he worked *very little*, he was, nevertheless, well supplied with money, and the tan-yard appeared to be more a kind of amusement than a branch of trade from whence he was to derive his subsistence. His wife at this period paid him a visit from London, and being, to all appearance, a *genteel, well-behaved woman*, tended, not a little, to support the character he assumed. From having rented this tan-yard, although for a very short period, it was erroneously supposed that he was a tanner; and hundreds of people have thus been led to confound our hero with the son of a tanner, in the West Port of Edinburgh, of the name of Moffat, a man whom Mackcoull never saw, and with whom he never stood in any kind of connexion. Mackcoull resided at Boston's for a considerable time, without any thing occurring to render him an object of suspicion. On the

contrary, his company was courted: he was full of anecdote, and very witty; he would smoke, drink, and talk with any one; he was liberal and polite; and all his new acquaintances, in that quarter, were fond of "the English gentleman." At length, however, the mask was removed, and his character appeared in its true light. The manager of the Edinburgh theatre having, at that time, engaged Mr. Incledon, from the London boards, to sing a few nights at Edinburgh, the whole of the boxes were taken during his engagement, and the house was so much crowded every night that it was difficult to obtain admittance without mixing with the crowd in the street, at an early hour, and waiting until the doors were opened. This, of course, afforded a double field of amusement for our hero. "He was so partial to theatrical amusements," that he took care to squeeze himself into the pit every night; and, being now pretty corpulent and round, cared not how much he was jostled or squeezed in coming out again. Different people had lost their pocket-books, watches, and money, and they could not tell how. But it was generally believed that their pockets had been picked in the crowd *at the outside* of the doors of the theatre, and not in the inside of the house; at least, *no suspicious ill-looking fellows* had hitherto been perceived in the lower part of the theatre, and a gentleman pickpocket was a character then unknown in Edinburgh. The public, however, began to be alarmed; some left their watches and pocket-books behind them when

they went to the theatre, and those who kept any money in their pockets, were on the watch to preserve it. Mackcoull, at this time, had recourse to a singular expedient to facilitate his nefarious practices. Having, probably in the course of his *business*, remarked how very disagreeable it is to come in contact with a *bad breath* in a crowd, and how natural it is for a person thus assailed to turn his head away, he determined to try the experiment by *artificial means*. And, before going to the theatre, he has *often been observed* to cut down one or two onions in very small pieces, and wrap them in a piece of leather, which he said he made use of for a stomach complaint! but which he threw into his mouth when he fixed upon a subject to be robbed; and getting up with him in the crowd, and breathing up in his face, was sure of making him turn away his head, until he stole either his pocket-book, watch, or money. A gentleman of the law, who had a small sum of money in his pocket, was attacked in this way, and, while in the act of turning his head away, felt Mackcoull's hand in his pocket. Perceiving that his money was gone, he gave the alarm, and endeavoured to hold the thief; but our hero broke from him, and escaped to a coffeeroom near the theatre, where he was immediately pursued by the gentleman, and Campbell the town-officer, who then attended the theatre. On seeing them enter the door, he managed, unobserved by any one present, to throw the notes under the seat on the opposite side of the box, where

two gentlemen were sitting, and where they were afterwards found. He was immediately taken into custody, carried before a magistrate, examined, and searched. Nothing of a suspicious nature was found in his pockets; but the exact sum of which the gentleman was robbed being afterwards discovered in the box where Mackcoull was seized, he was committed to jail for further examination. He was, we believe, reëxamined, and remanded to jail for several months, but, wonderful to say, was at length discharged without a prosecution! As the Bailie who examined him was, no doubt, a stranger to his real character, it is to be regretted that he did not think of communicating with Bow Street. He must have perceived that Mackcoull was no greenhorn; and, as he was an Englishman, it was but natural to suppose he would, in all probability, be well known at that office. It is an invariable rule with all magistrates and justices of the peace in the country towns in England, to discharge no delinquent who is unknown to them, who has the appearance of an old offender, and who appears to be of a *dangerous complexion*, until they have corresponded with the magistrates at Bow Street, and it is a pity that our magistrates in Scotland, in similar circumstances, do not follow their example; for most of these old and daring characters have either fled from London, or made their escape from the hulks, and all that is required to rid the community of such pests, is merely to have them identified; for their removal and punishment is sure to fol-

low. This practice might also be the means of preventing many daring robberies, for it is only by such characters that they are in general planned and committed. Mackcoull, we believe, was, in all, about nine months in Edinburgh jail, without any step whatever being taken to ascertain his character, and was, in the end, let loose on the public: while BILL THORPE, *alias* RED WILL, under the assumed name of Mr Harrissow, *was actually convicted* before the then police magistrate (Tait), of picking a gentleman's pocket of a silver watch at Portobello races, who, in place of handing him over to the Crown lawyers for prosecution, in the most careless and slovenly manner, sent him to Bridewell for fifty or sixty days! Had the magistrate, on the other hand, written to Bow Street, this daring and desperate character would not only, as was afterwards the case, have been proved a returned convict, and sent to the Hulks, but *three* extensive robberies, mentioned by Mr. Denovan, might have been prevented,—for they were all committed after he left Bridewell. The gentleman who had his pocket picked in the theatre, was much dissatisfied with the liberation of Mackcoull. He complained of it to sundry of his acquaintances, and, among the rest, to a favourite old lawyer, at the Scotch bar, who observed, "that the fallow ought, in justice, to have been hanged.—He went to the play-house" he said, "to steal, and not to hear the music; and he gie'd you a strong presumptive proof of the fact, Mr. P——, when he preferred *your notes* to Mr. Incledon's."

Mackcoull, on being liberated from jail, sojourned but a short time in Edinburgh. He went to London, by one of the smacks, and remained for some time in concealment near Somers' Town.

Early in the spring of 1809, just as one of the smacks was leaving the wharf in London, to proceed to Leith, a person came on board of her from a hackney coach, apparently in such a bad state of health that he could hardly, with the assistance of two other individuals, get on board the vessel; and he was so muffled up that it was impossible to see his face. Immediately on coming into the cabin, he took off his boots, and crept, with his clothes on, into one of the beds. In this situation he remained for some hours, when, learning that they were fairly out of the Thames, and that they had a fine breeze from the south-east, he quitted his bed, threw off his bucklings, and declared that the sea air had worked a wonderful reformation,—for his rheumatisms had entirely left him, and that he then felt as well as ever he did in his life! This artifice, however, did not take; the company were all satisfied that he came on board in disguise, and merely threw it off so soon as the distance they had sailed from London permitted him to do so with safety. The passengers had, nevertheless, no occasion to find fault with him in other respects. He appeared to be a very facetious character—kept them continually laughing at his droll stories and witticisms, and at last told them, with a shrug of his shoulders, that he was

the *Captain* of a West Indiaman in the river Thames, which they had passed in coming down: That he had, most unguardedly, to serve an old friend, become security for him to a considerable amount, which his friend was unable to discharge, and a writ having been put into the bailiff's hands to arrest him, he had, to avoid them, come on board the vessel in the way he did: That the friend for whom he had become security lived in the west of Scotland, and, as his relations were very wealthy, he had no doubt, from what he heard, of getting them to come forward, and arrange the matter to his entire satisfaction, and on that account he kept himself very easy. The passengers, it would appear, swallowed this story; for, on landing at Leith, they gave him an invitation to dine with them at the Britannia Tavern, which he accepted, and they spent the afternoon together, and parted in the most friendly manner. A few days afterwards, one of the passengers (a Mr. Ford, proprietor of the Caledonian Glass-work, south back of Canongate, now deceased) received a letter from our hero, acquainting him, that on his way west, in passing through Stirling, he had occasion to purchase some trifling article, and gave in payment one of the pound notes of the Bank of England, which he (the passenger) might probably recollect he received from the master of the smack, in exchange for a five pound note when settling for his passage, for he had done so in his presence, which note the people in Stirling declared was a forgery, and, owing to his being an entire stranger in that town, they had

committed him to jail, which was extremely cruel, seeing that he had got the note in the way described, and would make the captain give him a good one for it when he met him; for he believed the master of the smack was as ignorant of the note being a forgery as he was; and intreated that he, Mr. Ford, would be so good as bail him, "which obligation he would endeavour to requite when opportunity offered." Mr. Ford paid no attention to this letter; and the bailies of Stirling being of opinion that his story might be true, as no other forged note was found on his person, set him at liberty. It is believed, however, that he had then a great number of forged notes in his possession, and went to Scotland for the purpose of vending them. Changing the five pound note with the master of the smack was thus an artful trick—it was a kind of rallying pivot to which he might have recourse in the event of detection. Similar expedients are often practised by venders of forged notes. That he found means to conceal the parcel of forged notes, is no way wonderful:—Our hero was much more than a match for a Bailie in a Scotch country town, assisted by a few superannuated creatures of town-officers, fit only to be bugbears to children.

On getting out of Stirling jail, he visited Glasgow, Perth, Dundee, and, it is believed, Montrose. He then went to Aberdeen, where he remained for a considerable time. Whether he planned any robbery at Aberdeen is uncertain, but we have reason to suppose that he was visited by French while he lived in that town, and that

he accompanied him to Montrose and Dundee, for, on coming to Edinburgh afterwards, they disclosed their intentions to an infamous character (who then kept a kind of night-house in that city), which were to rob the Dundee and Montrose banks, and the Stirling coach on the road betwixt that town and Falkirk. French talked of the latter circumstance as a thing which could be easily done; and they went to London to furnish themselves with such implements as were necessary to put their designs into execution. Shortly after their arrival in London, however, French was apprehended on a charge of robbery and murder; and, being convicted of the first count in the indictment, received sentence of transportation for life, and was sent to the Hulks.

Burglaries are seldom committed by one person; and our hero having at that time no proper hand to assist him, was forced to abandon his designs. Although expert enough at other *jobs*, he is said to have made but few attempts at burglary; and being rather lame at cutting blanks, or altering keys, he required the assistance of an operative man, for what he had in contemplation.

The celebrated Houghton or Huffey White, reckoned one of the most expert housebreakers in England, had made his escape from the Hulks on the 13th November, 1809, and being at large in London, met, by accident, with our hero, in a public house in Tottenham-court Road, where they had associated on former occasions. As both were then under a cloud, Mackcoull pointed out

to Huffey the necessity of going into the country, and mentioned to him what he and French had planned previous to the apprehension of the latter. White, however, who had never been, it is said, an hundred miles from London, refused to go so far as Scotland, but declared he would join him in any *job* in England he could point out. Mackcoull then suggested to him *the doing of* the Chester bank. He said *he had previously examined the doors*, and conceived that the thing might be easily managed. After some conversation the business was agreed on, and they determined to set off for Chester so soon as the necessary arrangements could be made. White was then very poor, but Mackcoull engaged to find the needful to defray their expenses; while Huffey, on the other hand, charged himself with providing the implements necessary for such an expedition. White, at that time, lodged in the house of John Scoltock, a stove-grate and locksmith, in Tottenham-court Road, who was extremely useful, it is believed, to housebreakers, and who was, of course, employed to make a full assortment of these articles without loss of time. While the keys were getting ready, Mackcoull suggested the propriety of their first going to some small town in the neighbourhood of Chester, where Scoltock could send the instruments to them by the coach, when they might *conceal them in the fields* in the neighbourhood of the city, until they had a fair opportunity of using them, rather than run the risk of being recognized at Chester with such articles in their possession; which being

agreed to by White, they instructed Scoltock to send the box addressed to Mr. *James Wilson*, coach-office, George and Dragon Inn, Cheadle, Bulkeley, Cheshire, on a certain day, and, knowing when it should arrive, they would call and receive it. Scoltock executed his commission pointedly, though probably not to the full extent ordered, and the implements arrived at Cheadle, Bulkeley, as the parties had calculated; but, unfortunately for them, though fortunately for the bankers of Chester, the box in which they were put up had yielded to the friction of the coach:—One of the corners was open, and a fully-finished skeleton key, and one of a different species, called blanks, were sticking through the aperture! A blacksmith, happening to call at the office, perceived them, and pointed them out to the clerk as implements of housebreaking; on which a police officer was sent for, who, after examining the keys, and hearing the matter explained, immediately nailed up the box; and, concealing himself in the office, desired the clerk, if any person called for it, to deliver the box as if nothing was wrong, and leave the rest to him. This officer knew his duty well, and acted with great propriety: his name is Birch. The reader will no doubt recollect the circumstance of his since being shot with a pistol at Stockport, by some villains, at a radical meeting.—He received a very dangerous wound, and the ball was not extracted for many days, but he is now perfectly recovered. Mr. Birch had not been long in the office before our hero and his companion entered.—Mackcoull, in

his usual garrulous manner, told the clerk his name was Mr. Wilson, and inquired whether a small box had not come for him by the coach? He was answered in the affirmative, and the box delivered to him. He gave it to White to hold, until he put his hand into his pocket to pay the carriage: this being done, they walked out together, and were followed by Birch, who, presenting his pistol, brought them back to the office, and handcuffed them together. He then carried them before the Reverend Henry Delves Broughton Clerk, a magistrate, who, on the 17th May, 1810, committed them to the house of correction at Middlewick, as rogues and vagabonds, until the next Quarter-sessions. The Court of Quarter-sessions, which was held on the 10th July following, sentenced them to six months' hard labour in the castle of Chester, as *rogues and vagabonds*, and for having in their possession implements of housebreaking, in terms of the statute, 23d Geo. III. ch. 88. After their apprehension, and on being carried before the magistrate, Mackcoull declared that his name was *James Martin;* and White, when he spoke to him, always addressed him by that name. When brought up before the Court of Quarter-sessions, Mackcoull gave the following account of himself: —"My name is *James Martin*—I came from Scotland in a brig, of which I am part owner,—I am by profession a merchant. I went to Birmingham to order some goods, and met with an Irishman of the name of James Wilson, with whom I travelled to Cheadle. Having occasion

to go out of town, and expecting, as he said, a box from London, he intreated I would do him the favour to call for it, and keep it until his return. The gentlemen are mistaken—they did not hear me say *my name* was Wilson. I only inquired for a box for Mr. James Wilson; and I have paid dearly for doing so: for I am innocent of any crime."

Shortly after the delinquents were committed to the House of Correction at Middlewick, as rogues and vagabonds, the magistrate considered it his duty, as no person could give any account of them in that neighbourhood, to apply (as all magistrates ought to do in similar cases) to the public office, Bow Street, so that their characters might be ascertained; and two such dangerous men, as they appeared to be, might not, if possible, *after a few months' confinement, be let loose on the public.* In consequence, Adkins was dispatched to Middlewick, who immediately identified our hero as the noted Jem Mackcoull, and William Evans as Houghton White, a felon convict who had escaped from the Retribution hulk in November preceding. White bowed to Mr. Adkins, acknowledged the truth of what he said; and, as he was aware of what would follow, intreated he would intercede to save his life.—Mackcoull, on the other hand, persisted, before the magistrate, that his name was *Martin*, and that Mr. Adkins had never seen him in the course of his life, and laboured under a gross mistake in calling him Mackcoull. After being returned to his cell, however, he sent a message

to Mr. Adkins by the turnkey, intreating he would come and speak to him, which being complied with, he begged Adkins's pardon for being so rude—hoped he would forgive him—he meant no offence to him in the world; but did not wish to be humbagg'd by country bumpkins; and begged he would have the goodness to say nothing to his discredit—seeing it was only a six-months' job at the worst; and it was a pity a man should lose his character for *a nothing!*—Adkins d——d his impudence, and left the cell laughing.

It is believed that Scoltock had only sent a part of the keys in one box, and meant to send the remainder afterwards. Of this he might previously have advised them by post; or, on seeing the instruments turned out of the box, in presence of the magistrates, they might, from their number, conceive that such was his intention; and, justly apprehensive of the consequences, they immediately wrote the following letter to Scoltock, which was intercepted by the turnkey:—

"*Tuesday, 15th May,* 1810.

"Dear Sir,

"You will excuse this small paper I address you on—I am unfortunately in custody for what I cannot account for. Having the pleasure of seeing a gentleman whom I have been in company with per chance, I met on the road, who very politely intreated me to take some refreshment—the fact his, we are at present in

custody for some charge. I hope to name to you the cause of my detension in my next, when I will give you more of the particulars. I am at present at a loss to furnish you more, except *you will not compleat orders as advised.*

"Yours, respectfully,

"W. EVANS."

Addressed "Mr. Scaltop, *Stove-grate Manufactory, near the Eyselym, Westminster Road, No. 5, Tower Street, London.*"

Scoltock's shop is No. 96, Tottenham-court Road; but, being then in the rules of the King's Bench Prison for debt, he resided at 5, Tower Street, Westminster, which accounts for the letter being addressed in that manner.

This letter, although bearing the name of William Evans, is holograph of Mackcoull—for White was no penman. Although White could not write, he had certain private marks which he put to letters written by others. When apprehended, and sure of being committed, he drew a *right hand shackled at the wrist*, with a bar over the joints.

The following is an extract from the governor's book of Chester Castle. It affords a pretty fair specimen of the accuracy and attention with which such books are kept in England, and might serve as a lesson to all our jailors in Scotland:—

Names.	Age.	Height. Feet.	Height. Inches.	Make.	Visage.	Complexion.	Eyes.	Hair.	Where belongs. Parish.	Where belongs. County.	Remarks.	Trade.	Committment.
James Martin, *alias* James Wilson, *alias* Jem Mackcoull. Served and discharged, January 10, 1811—very very bad man. and	45	5	7½	Stout.	Round.	Fresh, red about the eyes and nose.	Dark, large and sharp.	Black, quite bald on the crown.	Elgin. but do not believe him.	Scotland.	Says he has a wife and five children—scar in side left hand—a *scar on the brow*—supposed a notorious housebreaker.	Says he is a merchant.	Committed by the Reverend H. D. Broughton Clerk, May 17, 1810, to the House of Correction at Middlewich, convicted of being rogues and vagabonds—having in their possession, and upon them at the time they were apprehended, seven picklock keys, sixteen files, two punches, two bottles of phosphorus, five matches, one dark lanthorn, and thirty-three implements, with intent thereby and therewith feloniously to break and enter into some dwelling-house, ware-house, coach-house, stable or out-house, contrary to the statute in such case made and provided.
William Evans, *alias* Hufton White. Transported. Two as dangerous men as can be at large.—Infamous characters, well known in London.	36	5	8	Stout.	Longish.	Pale.	Light.	Brown.	Reading.	Berkshire.	Wife and three children—supposed to be Hufton White, a transport at large—thought to be the first housebreaker in England.	Says he is an Ironmonger.	By the Court of Quarter-sessions, July 10, 1810, they were ordered to be imprisoned in the Castle of Chester and House of Correction, for the term of six calendar months, to hard labour, then to be discharged, unless detained for some other cause, by due course of law. William Evans, alias *Hufton White*—summer Assizes, September 21st, 1810, tried for being at large before the expiration of his sentence of transportation for life—guilty, death—received his Majesty's pardon, 14th October, 1810, on condition of being transported for life.

White attempted to escape with Huxley and others, 5th November, 1810—Sent to Woolwich 8th November—Put on board the Retribution hulk there—Escaped from the said hulk in April, 1811. This is the second time from same hulk. Apprehended in London in July 1811, on a charge of robbing the Paisley Union Bank at Glasgow of £20,000—Tried in London, and convicted of being at large again—Pardoned, he having, it is said, given information regarding the robbery—Escaped again from the Retribution hulk—Third time. August 1813, Convicted of robbing the Leeds Mail, and executed at Northampton.

A jailor in England, it will appear from the foregoing extract, does not content himself with merely entering the names and descriptions of prisoners, and the dates of their commitment and discharge, but every particular that may come to his knowledge regarding them *after they are discharged*, so that, on a reference to it, his book is often of the most essential service to police officers in the discovery and apprehension of delinquents.

White, as the extract shows, was tried at the Assizes held in September, 1810, and cast for death; but Adkins, on a promise that, if pardoned, he never would again attempt to escape, used his influence at the Home Department, and got the sentence commuted to transportation for life; and Huffey was again sent to his former quarters on board the Retribution hulk at Woolwich. Mackcoull was discharged from Chester Castle on the 10th January, 1811, and proceeded immediately to London. He was but a very short time there, when he learned that his *worthy friend*, Mr. Harry French, had made his escape from the Hulks, and was then in concealment in that city. Thieves, however, are at no loss to discover their associates under such circumstances: They have only to apply to certain houses of resort, or to the old and established resetters of stolen goods,—the prime links by which thieves are united,—and Mackcoull was not long in finding his man.

Instead, however, of proceeding, by themselves, to the North, French proposed that they should

assist White to escape from the Hulks, as he was a most excellent hand; and go all three to Scotland, when they might rely on doing the different jobs in contemplation, in a masterly style. This, after much difficulty and exertion, they accomplished, and Huffey White again took up his abode with Mr. Scoltock, where he was kept in concealment for some time.—To throw the police off their guard, a certain letter was designedly dropt in a situation where it was found by one of the city officers, apparently from one bad character to another, mentioning that White had been seen with his wife's brother, near Bristol, and that he was in concealment in or near that city. It was at first proposed to go to Aberdeen by sea, and *do* either the Montrose or Dundee bank, but Mackcoull recommended their going first to Glasgow. He said that *much good business* could be done there, with little trouble; in particular, he knew of a certain *thick paper concern* (meaning the Paisley Union bank), where they were sure to get a rich booty; and which could be *cracked* with less *screwing* than any of the others. They therefore resolved to go to Glasgow; and Scoltock agreed, *very generously*, to furnish all the materials necessary for their purpose, and to be paid *when the job was done;* but all the parties were at this time so poor that they could not procure funds enough to carry them to Glasgow, far less to maintain them there until they found a proper opportunity for breaking into the bank. Mrs. Mackcoull was applied to, but would do nothing. French was, however, so much bent on

going to Glasgow, *to do the bank*, from the representations made by Mackcoull, that he resolved to sell off his household effects to bear their expenses; and actually did so.

Our hero was so well known to the masters of the Leith smacks, and the circumstance of his having picked a gentleman's pocket in the pit of the theatre, at Edinburgh, was so notorious, that they could not venture to go by any of these vessels without running the risk of being apprehended on their arrival, as suspicious characters, which (if the accounts reached London) would be fatal to French and White; and, as they were so well known at all the police offices in London, it was conceived to be equally dangerous to attempt leaving that city by the mail or any of the other coaches. They at last resolved to hire a post-chaise, and set off early in the morning. Mackcoull got in at St. Luke's Hospital, and took up his companions at a small public house on the road, to which they had walked, and at which they had put up the preceding night. Whether they afterwards took seats in the mail or the heavy coach, during a part of the way, has not been ascertained; but Mr. Donovan, who traced the route they took from Glasgow, *after* committing the robbery, discovered that they were all three seen in a post-chaise, early in May, passing through Darlington, on their way to Scotland. On their arrival in Glasgow, they stopped at an inn at the Broomielaw; and Mackcoull took lodgings for himself and his friends, in the house of a widow woman of the name of Stewart,

who lived in the same tenement. He said his name was Moffat, and that French was Mr. Stone, and White Mr. Down. Mrs. Stewart moved from the Broomielaw, on the 28th of May, to a house at the foot of Wood Lane, in the same neighbourhood, and her lodgers accompanied her. They spent their time generally in drinking and smoking in the inn at which they at first put up, and occasionally went a little way from Glasgow, as they said, to *fish*, or, in other words, to alter and adjust the false keys; and, to give this the better colour, they *once* or *twice* asked Mr. John Stewart, their landlady's son, to accompany them. At first they kept very good hours, and appeared to be steady, decent people. Mackcoull said that Stone and Down were his cousins; that they had come to Glasgow about a submission or reference regarding some property belonging to Stone, on the banks of the Ardrossan canal; that Stone was by profession a seaman, and the master of a brig lately returned from Portugal. A short time before Mrs. Stewart removed to Wood Lane, a box had come, as Mackcoull said, by the mail-coach, and which he brought in on a Sunday morning, having called at the office for it. This box, it afterwards appeared, contained some keys which Scoltock had made and sent them, in consequence of written instructions received from Mackcoull. On the night of Mrs. Stewart's removal, and immediately after this box arrived, they were all three out until a very late hour. On this occasion they had, no doubt, been trying the keys, which were found not to answer; and Mackcoull

set off to London in person to rectify the mistake, taking with him a kind of wooden model to enable Scoltock to do the thing properly. During Mackcoull's absence (about fourteen days), French and White never left their lodgings in the evening after eight or nine o'clock; but, when Mackcoull returned, the night business was resumed. They went out regularly about ten o'clock, and returned about twelve; and on one occasion, Huffey White, the operative man, was out a whole night. About sixteen or eighteen days previous to the robbery of the bank, Mackcoull, as was agreed on at taking the lodgings, gave his landlady notice of their removal:—He said they were going to Bristol. They discharged their bill, and left their lodgings on Tuesday the 9th of August (having been in Mrs. Stewart's about three months), without the most distant suspicion being entertained either by their landlady or her son that any thing was wrong: a porter went with them, and carried their luggage, consisting of a small black trunk and portmanteau, as they said, to the coach. It is presumed that they had gone to some inn in a distant part of the city, where they had parted, and met together, by agreement, on *Saturday* night, in order to commit the robbery,—for the bank was not entered until betwixt the *Saturday night* and *Sunday morning*. This was an artful trick on the part of Mackcoull and his companions.—By giving their landlady *a fortnight's notice*, it is evident they were *then* fully prepared *to do the bank*; but learning that a fair would take place

eight days thereafter, they delayed their purpose, on a conviction that Glasgow would then be, as all other places are on similar occasions, filled with blackguards, and when suspicion would naturally fall on some bad characters, *known to the police*, while, from having left Glasgow, as their landlady imagined, on the Tuesday preceding, there could be no good reason for believing that they had any thing to do with it. Indeed they were perfectly correct in their ideas here; for Mr. Stewart, their landlady's son, who is an active, intelligent man, never suspected his mother's lodgers until some time after the robbery, when he happened accidentally to cast his eyes on an advertisement, drawn up at Bow Street, and inserted in the newspapers, wherein the descriptions of Mackcoull, White, and French were so very accurately given, that he was convinced of their identity, and immediately communicated his suspicions to the bank.

After committing the robbery, they hired a post-chaise, and left Glasgow betwixt five and six o'clock on Sunday morning, urging the post-boys to drive hard, as "he (Mackcoull) had a brother at the point of death in Edinburgh, and wished to see him before he expired." They reached Edinburgh about mid-day, and left it about three o'clock in the afternoon, in a post-chaise from the Black Bull. They proceeded in this way until they reached Morpeth on Monday morning, when, wishing to accelerate their speed, they posted with *four* in place of two horses, and became so confident of reaching London without

detection, that they changed several twenty-pound notes of which the Bank had been robbed, and had done so at almost every stage from Dunbar to Boroughbridge. At Darlington, in particular, they changed two twenty-pound notes of the Bank of Scotland; they halted about twenty minutes and took a little refreshment here, and their deportment created some suspicion, but they made no other stop the whole way up, except at Wellwyn, the second stage from London. Here they dined, and after dinner *counted over the notes*, of which a jotting was taken by Mackcoull, the only one in company who could write, and put into the pocket-book of Huffey White, by way of check, as it was there agreed that Mackcoull should, on entering London, take charge of the whole booty until they had an opportunity of making a fair division. The waiter, on entering the room, saw the table completely covered with bank-notes, and at first took no suspicion of the party; but, from some expressions they made use of to one another, he said to his master, when they left the inn with their chaise and four for London, "Patience a bit master, we shall have another chaise and four here, before long be; these gentlemen are not the thing." Previous to leaving the house, Mackcoull called for a hammer and nails, with which he nailed an address on a black portmanteau and two great coats, which were tied to it, and desired the waiter to send them on to London by the first coach that passed. The waiter accordingly sent them forward by the old Stamford coach; and

although neither he nor the landlord could recollect the address, still, the mere circumstance of the portmanteau and great coats being sent to London by the Stamford coach, enabled the Bow Street officers afterwards to trace and apprehend Huffey White.

Our hero and his associates reached London about twelve o'clock at night, and were put down near Moorfields, where they parted, and Mackcoull, having the whole of the plunder in his possession, got snugly into a hackney-coach he met with by chance, which conveyed him to No. 2, Oxendon Street, head of the Haymarket, where he deposited the notes in safety with his wife; for here it was that she now kept a stylish *lodging-house*. White and French were equally successful in reaching their lodgings without the smallest molestation. In the morning, Mackcoull called for White, at the house of his father-in-law, and they went together to John Scoltock's in the forenoon. On seeing Scoltock, Mackcoull held out his hand, exclaiming, "Ha! little one, tip us your daddle, *we've done the job*, and cleanly too—*all's bob!*—We've got a precious lot of dirty Scotch bank-notes, like grey paper; thou shalt be remembered, little one!" and turning to White, he said, "We shan't sell them Huffey, d—mme, we'll go into the country and *smash 'em*." White replied, rather gravely, "Let every man do as he thinks proper; but you know we are doing wrong: we should have the other man here (meaning French), before we say or do any thing." Mackcoull agreed that it was all true, and imme-

diately left them, saying, he would go and fetch the other man, or endeavour to make some arrangement with him: That every thing was quite *bob** in the meantime; and he would look back about five or six o'clock in the evening, when they would settle the shares, and enjoy themselves over an *alderman*† and a bottle of *black strap*‡.

White was so satisfied that all was right, that, about three o'clock in the morning, and shortly after their arrival in London, he called at his father-in-law's, near the head of Drury-lane, and the old man went and brought his daughter to him from her own lodgings in that neighbourhood. Although naturally very reserved, particularly to his wife, who was much addicted to the bottle, and could not be trusted, he, on this occasion, freely told her, "that he had been in a *good thing*" —had got plenty of money, and came to make her a proposal, which he had no doubt she would agree to: That as he had now got enough to live upon, he intended going abroad, and would take her with him, if she would go, but if not, she might continue in London, and he would settle a guinea per week upon her as long as she lived. He added, that he was going into the country *somewhere*; and as he would be absent for about fourteen days, he would allow her that time to make up her mind. He, however, declined entering on particulars, as to where he had been or where he meant to spend the fourteen days. Be-

* In perfect safety. † A roasted Turkey. ‡ Port.

fore parting, he gave her ten pounds, in Bank of England notes, and two pounds in silver, and desired her to go and redeem sundry articles she had deposited with the pawnbrokers, which she accordingly did.

Next day, a lad whom her mother described as a chimney-sweep, called, inquiring for her; and the people at her own lodgings said that a lad had also been seeking her there, whom they described as a blacksmith's boy, who refused to leave any message, but said he would call again. This alarmed her very much, as she dreaded he had been sent there by some of the police officers, who might be in quest of her husband. The boy, however, called again, and taking her aside, told her, he came from her husband, who was then at the house of his father John Scoltock, a blacksmith, No. 96, Tottenham-court Road, but who, being in the rules of the King's Bench prison, at present resided at No. 5, Tower Street, St. George's Fields: That her husband wished to see her immediately, and, as she might not know the way, he would walk along with her, and point it out. She sent the boy away, and said she would follow immediately, as she knew the place well. Being, however, apprehensive, from what her husband told her at parting, that all this might be a trick, she first went and consulted her father, and then proceeded to Tower Street. Previous, however, to her coming, Mackcoull had been there, and informed White that French felt indisposed, and would not be able to come until to-morrow; but that they should enjoy themselves

in the meantime, as proposed, which was agreed to. Mackcoull suggested, that they should, in place of an *alderman*, have a goose and green pease for supper, which Scoltock was dispatched to purchase, and the goose had only been put to the fire a short time, when Mrs. White arrived. Mackcoull went out to purchase wine or some other article, and promised to return in a few minutes. On going out, he met Mrs. White at the door, coming in, to whom he gave a kind of familiar How d'ye do? and passed on. Mackcoull's conduct at this time excited strong suspicions in White's mind, after he was apprehended, for which, however, there was certainly no foundation.

But to return to Glasgow. As the thieves had, on leaving the bank, locked the doors behind them, the robbery was not known until the clerks opened them on Monday morning. It need not be doubted that a robbery of such magnitude would soon make a great noise in a city like Glasgow, and that many opinions and suggestions would be offered, and every information which individuals were possessed of would be given to the directors of the bank, to facilitate their endeavours to trace the thieves. In particular, the circumstance of the three men, *with bundles*, seen so early on Sunday morning, setting off to Edinburgh, in a post-chaise, being communicated, a person belonging to the bank was immediately dispatched in quest of the fugitives. They were easily traced to Edinburgh, but, from being put down at the west end of Prince's Street, it was some time be

fore it could be discovered whether they had left that city. So soon, however, as it was ascertained that they had done so, and had gone south, a gentleman of great activity, of the name of Walkinshaw, belonging to Glasgow, left Edinburgh, with a city officer, in pursuit of them on the London road. At every stage they got notice of the robbers; and when they entered England, and found that Mackcoull and his friends posted with four horses, they did the same, and proceeded with astonishing rapidity. On arriving at Darlington, where the robbers had changed two twenty-pound notes of the bank of Scotland, they found the waiter, George Johnson, so very correct in his description of their persons, that they took him along with them, so as to point out the fugitives, if they overtook them, or to identify them if apprehended in London. They pursued the same route, hearing of them at every stage, until they came to Wellwyn. Here the particulars, before narrated, being communicated to them, they lost no time in leaving it for London; and also took with them Henry Cunington, the waiter at the inn, who, from having seen them counting over the Scotch banknotes, behoved to be a most material evidence, should the thieves be afterwards apprehended. This man, besides, from having heard them make use of some flash words, was suspicious they were robbers, and had eyed them so very attentively, that, as he said, he would know them again among a thousand men, and could also identify the portmanteau and great-coats, which he had

sent on to London, at their desire, by the Stamford coach.

On reaching London, they proceeded immediately to the Public Office, Bow Street, when, on the different circumstances being communicated to the magistrates, an officer was dispatched to ascertain what had become of the portmanteau forwarded to London from Wellwyn, and what was the address thereon, as a preliminary to their future proceedings. The officer soon returned, and said he had ascertained that the portmanteau was addressed for "Mr. Little, at Mr. *Scaltop's*, stove-grate and locksmith, 96, Tottenham-court Road;" that he believed the name *Little* was fictitious; and that the name of the blacksmith who lived at No. 96, Tottenham-court Road, was not Scaltop, but Scoltock, a very dangerous character, who was in the habit of making and furnishing implements of housebreaking, and at whose shop the portmanteau had been delivered the preceding day. On this a private consultation of the officers was held, who at once suspected our hero and Huffey White, but could not fix on the third individual until they made further inquiries. The three senior officers, Messrs. Lavender, Vickery, and Harry Adkins, then proceeded to Tottenham-court Road, accompanied by Mr. Walkinshaw and the Edinburgh officer, and searched the shop of John Scoltock. Behind the shop were apartments where the family resided, and underneath the whole was the smithy or work-shop, where the goods were manufactured. The officers were

surprised at finding in the whole of the premises only two children, who, although young, appeared not to want training. They seemed to watch every movement that was taken, and answered every question with a "don't know." In the course of the search, however, the officers discovered a pretty large wooden box, addressed "To Mr. Little, at Mr. Scaltop's, stove-grate manufacturer, Tottenham-court Road, London;" which, from having the blacksmith's name spelled in the same manner as in the address on the portmanteau, they naturally concluded had been forwarded by the same party; and, imagining that it might be filled with something which might elucidate the object of their inquiry, they opened it, and found that it contained a complete assortment of skeleton keys, blanks, files, punches, phosphorus bottles, &c. On the address was marked 9s. of carriage, which proved that it must have come, not by a coach, but by some of the waggons, from a considerable distance; and they justly suspected that these were the implements with which the bank had been entered. On this they questioned the children, the oldest of whom admitted that a portmanteau was delivered at the shop the preceding day, but had been taken away again. Finding they could not, by gentle treatment, prevail on the children to speak out, they had recourse to harsher means; and the oldest boy became so terrified, that he at length confessed where his father resided. On this the officers, having forwarded the box of keys, by some of the runners who attended them, to Bow

Street, proceeded to St. George's Fields, and sent an express to the conductors of the patrole to dispatch a party, well armed, to surround and watch the house in Tower Street, to prevent an escape, which might probably be attempted while they were searching it. When they arrived in front of the house, Johnson the Darlington waiter, who accompanied them, and who was sent on a little way before, stopped and called out, that he saw one of the robbers at the second pair of stairs' window, but who had drawn back the moment he saw him. In order to obtain immediate admittance they desired him to knock at the door, and inquire if Mr. Little was at home, which he did; and, on the door being opened, Lavender, Adkins, and the Edinburgh officer rushed into the house, and Vickery kept on the outside to direct the patroles (who had also arrived), should an escape be attempted. Adkins and the Edinburgh officer kept below, while Lavender ran up stairs, and finding Huffey White, immediately handcuffed him, and called to the others to send up Johnson the waiter, lock the door behind them, and come up stairs.—Johnson immediately identified White as one of the men who had been at his master's, and whom he had seen at the window when in front of the house. The officers having ascertained that the other two robbers were not within, called in Vickery, and a complete and thorough search took place, not only of the persons of White and his wife, and Mr. and Mrs. Scoltock, but also of the house; in the course of which were found the portmanteau and great-

coats tied on it, with the address before-mentioned, concealed under a bed. There was also found in the pocket-book of Huffey White, a jotting, in figures, supposed to be of the handwriting of Mackcoull, and which White afterwards confessed was an account of the stolen notes which they counted over at Wellwyn. A deadly paleness covered the face of White, and the perspiration fell in large drops from his forehead. After he recovered a little from his tremour, he said in a kind of half groan, "Ay, ay, there's treachery here!" and appeared to be overwhelmed with despair. The whole were then conveyed to the Public Office, Bow Street, and locked up in separate apartments, preparatory to their examination before the magistrates next day. On arriving at the office, White was instantly recognized by Henry Cunington, the Wellwyn waiter, as one of the three men whom he saw counting over the Scotch bank-notes, and who had but two days before left his master's in a chaise and four for London.

Although, on arriving in London, Mackcoull was intrusted with the whole of the booty, yet it was fixed and agreed on that he was next morning to deposit the whole with William Gibbons, better known by the familiar name of Bill Gibbons, the celebrated pugilist. This man, although not a thief himself, yet, from frequenting those houses which are the resort of the *fancy*, and of the higher order of thieves, not only knew and was looked up to by the whole, but had become a kind of banker among them. He

stood so very high in their estimation, that, to use the common saying, he could be trusted with any thing. Gibbons, however, was never reckoned a *fence*, or receiver of stolen goods; and when Mackcoull proposed that the notes should be deposited with him, his associates doubted whether he would agree to receive them. But Mackcoull having assured them that he stood so high with Bill Gibbons that he had no doubt of his compliance, they agreed that the booty could not be in safer keeping, and desired him, if all was well, to lodge the notes in his hands next day. Our hero, however, who, it appears, from the jottings found in White's pocket-book, had preconceived the idea of cheating his associates, told White and French that Gibbons was out of town, and would not return for a few days, but that the *thick paper* was quite safe where it was, until he returned. Here, it is evident, he must have been meditating some plan of robbing his friends on a larger scale than he did at Wellwyn. The notes taken from the bank amounted to £20,000, but the booty, by Mackcoull's jottings at Wellwyn, only amounted to £16,000, so that he pocketed, on his arrival at home, about £4,000, unknown to either White or French: for the former has often been heard to declare that the jottings taken by Mackcoull at Wellwyn contained *an exact account of the notes stolen*, deducting those they had changed on the road. The reader will recollect that Mackcoull was to have returned to Scoltock's to supper, having only gone out to purchase some wine, &c. and White,

not knowing how his retreat had been discovered, attributed his apprehension to Mackcoull's treachery: but in this he was wrong; for, had the officers been a little longer on the road, not only would our hero have fallen into their hands, but the whole of the notes would, in all probability, have been found in his house, No. 2, Oxendon Street, where they were then concealed in the mattresses of a feather-bed: But, on entering Tower Street, he saw the officers rushing into Scoltock's house, and immediately sounded a retreat with all possible speed. He soon reached the house of a friend in Swallow Street, where he dispatched a confidential female to his wife, desiring her, if the officers had not then been in quest of him, to put the whole of the notes into a small trunk, and send them with that lady in a street coach to him: That he was sure a discovery had taken place, and she might expect a call from the *Bow Street traps* to search the house. He desired her also to be careful not to let the woman know what was in the trunk—to inform the officers when they came, that he had left town for Devonshire—and, so soon as the search was over, and the officers gone, to come to him. Mrs. Mackcoull lost no time in observing the needful; indeed the notes had not been out of her keeping an hour, before the Bow Street officers arrived and searched every part of the house. Nothing of a suspicious nature being discovered, they concluded that Mackcoull had not carried any of the notes there, and imagined that the

whole might be in the possession of French. They therefore went away without taking the lady into custody, sensible that their doing so could not be attended with any good effect, as she was a very artful and experienced hand, who was not to be taken by surprise. Mackcoull having, in the meanwhile, received *the whole* of the notes in safety, counted over hastily about £6,000, which he put aside, and concealed about his person; and, when his wife arrived, he caused the same female put the small trunk into the coach in which she came, and getting in immediately after it, they drove to the house of Bill Gibbons. Bill was not at home, but they delivered the small trunk to his wife, desiring her to place it in the most concealed place she could devise until her husband returned. Mackcoull then wrote a small note to Gibbons, and both left the house. Mrs. Mackcoull went home by the coach, but her husband retreated to some place in the neighbourhood, to wait the arrival of Gibbons. The moment Gibbons returned, and read the note, he went to Mackcoull, and brought him to his house. Bill was very averse to receiving the notes, unless the nature and circumstances of the *job* were explained to him; but, as Mackcoull assured him there was no danger in his taking charge of them, and that they would only be *a very few days in his keeping*, he yielded. Gibbons, however, insisted on the notes being taken out of the trunk, and counted over to him, observing that, as Mack-

coull had hinted there were more *about it* than himself, he should not receive a pig in a poke, but know what was of it, in case of any after question." The notes were then taken out of the trunk, and counted by Mackcoull, and, as Gibbons afterwards deposed, amounted to 13,000 7 or 800 pounds, which he concealed in the chimney or vent of a back parlour. Mackcoull, having thus robbed his friends of about £2,200 more than what he had fairly cheated them out of at Wellwyn, and having, at that time, about £6,000 in his possession, was most anxious to get out of London, in some kind of disguise, to avoid detection. Gibbons therefore went out and procured a smock-frock, and other articles, and our hero soon appeared in the character of a waggoner or drayman, with a long whip in his hand; and, in this disguise, he crossed the fields, at a very early hour in the morning, and safely reached the house of a female friend at St. Pancras, where it was concerted, with his wife, he should conceal himself, until they knew how matters were likely to go.

In the meanwhile, French, having been informed of the apprehension of White, and aware that nothing but the restitution of the money could save either Huffey's life or his own, sent, it is said, for Mrs. Mackcoull, and told her, that, although he would be the only sufferer by the job, having advanced the whole of the money to carry them to Scotland, and ruined himself in doing so, yet he was anxious to save the life of Huffey White, and would give up his proportion

of the notes cheerfully for that purpose; and begged she would instantly go to her husband and let him know his mind on the subject. For, if Jem was agreeable, he assured her he would easily get a friend to enter into a negotiation with the gentlemen of the bank; and, as the sum was large, he believed they might all get off, without any other disadvantage than the return of Huffey to the Hulks. This, Madam promised faithfully to do, declaring that his proposal was both generous and reasonable, and that she had no doubt her husband would instantly accede to it, adding, "for, God knows, he is no loser by it, although I am, for he made me borrow £30 for him when he came up to town, about a month ago (to get the keys from Scoltock), which the dulness of the times has prevented me from repaying."

When White was carried to Bow Street on the Thursday evening, the magistrates were gone, and he was conducted to the Brown Bear public house, in order to be locked up in the strong-room, until next day. The officers, however, generously took him into a private apartment and offered him some refreshment. While there, he was accosted by the landlord, who had seen him on former occasions, and knew him well; and Vickery, after he was locked up, explained to Mr. Hazard, at that time landlord of the Brown Bear, how the matter stood, and that he was afraid poor Huffey would suffer, unless the other parties gave back the money, and prevailed on the Bank to apply for a pardon.

On the Friday evening, Bill Gibbons, as was customary with him, called to smoke his pipe with the landlord of the Brown Bear, and, as may naturally be imagined, heard all the news of the day, and, amongst other things, the robbery of the Paisley Union Bank, and the apprehension of Huffey White.—Hazard, without at all suspecting that Gibbons knew any thing of the matter, expressed his regret at the situation of White, who, it was believed, had fallen a sacrifice to the duplicity of Mackcoull and some other rogue, who, after using him as an instrument, had taken care to abscond with the money. Gibbons appeared to take little notice of the matter, but left the house as soon as he could prudently do so, and hastened to Mrs. Mackcoull. Bill had just time to say he had been at the Brown Bear, when Mrs. Mackcoull, suspecting what he had heard, interrupted him, by exclaiming, "Oh! how glad I am to see you, my dear Mr. Gibbons. Will you step in and *lap your congou with me?* I was just on the swither whether to go to St. Pancras, or to your house first. This is a shocking business my husband's been in.—I think he is never to be out of trouble. Poor Huffey White is taken, and a warrant issued against Jem and Harry French. You know White was transported, poor man, and if we do not exert ourselves he'll lose his life; and as French was also transported, and may, God knows, soon be seized, I think the notes should be returned.—My husband is a good creature—he will, I am sure, never object to this; and we must leave the

thing to you, Mr. Gibbons: you are an honest man—all the world knows that,—and you may, while you save the life of Huffey White, and relieve the others from prosecution, do a good thing for yourself. The notes shall go through you, to save the life of poor Huffey White; and you must and shall be paid for your trouble." Gibbons, as soon as he was allowed to speak, told her he had just come to say, he was determined to see the thing put in trim; and that if any one of the parties attempted to *bucket*,* to the detriment of the other whose life was in danger, he should stand up against it, and put all to rights with a vengeance. But now that she proposed to do what was honest, he was satisfied. He desired her to go to her husband, alone—call on him, when she returned; and, if Jem acceded to what she now proposed, he would immediately open the negotiation through a proper channel, where every thing would go as he wished. Although the lady's tongue was too heavy metal for Gibbons, at the onset, still he made her sensible that he would not be amused by her Corinthian fustian; for, after grumbling and muttering to himself a little, he asked her, rather sternly, for what purpose the notes had been placed in his hands? She replied, she believed that Jem deposited them with him at the desire of the other parties, until they saw how the thing was likely to go:—but Bill remarked, in his own rough way, "Then blow my dickie, an't it

* Conceal his part of the booty.

queer that the other parties have never called on me? It may be so: and I hope it is so; for if I was sure that he meant to *bucket*, and make a *Pitt's picture* of my house, curse me if I would not make it a worse job for him than the old one:"—and, drawing his slouched hat over his forehead, and telling Madam to look sharp, and do what was right, he hurried away without explaining himself, or allowing her time to speak a single word more. Gibbons not only suspected that Mackcoull lodged the paper with him, unknown to the others, and meant to make off with it himself, but it had also come to his ears that Huffey White had been taken on Mackcoull's information; and, although he did not give full credit to the report, still he strongly surmised there was something wrong; and, perceiving that nothing but the return of the notes could save White and French from destruction, he, on leaving the lady, bent his way to Bow Street, as well to satisfy himself as to the truth of the report, as to break the matter to Hazard, through whom he intended opening a negotiation.

By this time Hazard had picked up the whole of the particulars regarding the apprehension of White, from the two waiters who had put up at his house, and also from the officers and patroles who had been at Scoltock's; and Gibbons was, of course, soon convinced that his suspicions as to Mackcoull having given the information were groundless. Satisfied on this head, he opened the matter gently to Hazard, by telling him, he believed that the notes *might* be got [illegible] and

asked him to speak to Vickery, and learn whether he thought the thing could be accommodated in that way or not; and, in the meantime, that his (Gibbons's) name was not to be mentioned, either to Vickery or any one else, until the parties agreed as to terms.

Hazard lost no time in breaking the matter to Vickery, who undertook to see the agent for the bank, and communicate what he said, but shrewdly observed to Hazard, that, although both White and French might be anxious to return the money—for it would require all that, and something more, to save their lives—still he doubted the sincerity of Mackcoull, who stood in a very different situation, and had nothing to fear but the old story of *Pitt's picture*, and even that could not now affect him, for the parties were dead. Vickery added, that, although he might speak to the agent for the Bank, and relate what he heard, as a piece of intelligence, still he could not think of proposing any negotiation until he had at least some proof of the sincerity of the parties; and as this was, moreover, a matter in which the magistrates could not interfere, he thought it would be best to keep it secret until some agent for the parties communicated with him personally on the subject, and he could then judge what degree of credit their proposal deserved. He further added, he believed Mackcoull was not aware that the parties interested in the old affair were dead, and as that had fallen from him in conversation, he begged Mr. Hazard would keep it to himself, for it might be the means of making

Mackcoull restore his proportion of the notes, if they were divided, when probably nothing else would.

Gibbons had scarcely reached home when Mrs. Mackcoull arrived. She had been at St. Pancras and seen her husband, who, good creature, not only acceded to her proposal, but was overjoyed to think he had it in his power to save the life of a friend. "Indeed," she said, "Mr. Gibbons, *he gives me great credit for suggesting the thing*, which, he assures me, was quite pat to his own intentions." She told Gibbons that her husband felt much obliged by his attention to his interest, and, dropping a few crocodile tears, expressed her esteem for such a valuable friend, whose kindness she, for her part, never could forget. To-morrow morning, she added, Jem will put down in writing what he thinks ought to be the terms of the treaty, so as to secure the life of poor Huffey White and French, and keep himself harmless, and I shall have the pleasure of calling on you with it the moment I return. But he intreats you will "keep the matter a profound secret in the meantime; for, *as French knows nothing* of what is proposed, we cannot well move in it without first consulting him: He might take offence and play us a trick afterwards; for Harry can be very rough when he likes."—Gibbons observed that, although French might be rough, he was no fool; neither did he believe that he would make any objection to a measure which was meant to save the life of White, as well as his own; for, if he was taken, he would

be in the same situation. He informed the lady that he had broke off the matter in a distant way to Mr. Hazard of the Brown Bear, who had, in consequence, communicated with Vickery, but no names had been mentioned. He wished, however, to see the thing settled as soon as possible, for he was not very fond of keeping the notes—it was the first thing of the kind that had been lodged in his house, and he was fully determined it should be the last. On this they parted; and Gibbons heard nothing more, either from Mackcoull or his wife, until the Monday, when the lady called in the evening, seemingly in a flurry, and said that all the parties were agreeable to make restitution, but had fallen upon another plan; and that "the notes behoved to go back through a different channel, as it was found necessary to employ a professional man, and that she had come to fetch away the notes." Gibbons said he was glad to hear it, and delivered over the parcel of notes to her, as he received it from Mackcoull, amounting to 13,000 7 or 800 pounds, observing, "that the sooner the thing was settled the better; for if French was apprehended in the meantime, it might not be so easy to get a pardon for him as when at large; and, as he was in great request, they ought to look sharp and be active."

Mackcoull, perceiving that the negotiation could not well be managed by Vickery, or by any of the phalanx, as he called them, who had apprehended White, without exposing his villainy, and making full and ample restitution of

the whole of the notes of which the bank was robbed, had recourse to an expedient, which the most experienced Newgate attorney would hardly have conceived, and which the most hardened thief would have hesitated to put in execution.

Our readers will, no doubt, have heard that our late revered Sovereign, about thirty years ago, was attempted to be assassinated by a deranged woman of the name of Margaret Nicholson. To protect him against any future outrage of this kind, in place of additional body-guards, his Majesty chose and preferred the constant attendance of two experienced Bow Street officers; and Townsend and Macmanus, the senior officers of the establishment, were appointed to wait on the King. Townsend is still living, but Macmanus died some years ago, and was succeeded by Sayer, the next senior officer, who, with Townsend, performed that duty during the life of the late King, and now wait on his present Majesty.

Mr Sayer, from having been a very active and useful officer in his younger days, and from holding the situation he does at the palace, was generally considered as a kind of favourite, and to have a good deal to say at Lord Sidmouth's office; and he was, besides, an old acquaintance of Mrs. Mackcoull.—Mackcoull, therefore, fixed on Sayer, as being the most likely man in the world to conduct the negotiation in the way he wanted. And although he well knew that he himself never could have prevailed on him to meddle with such an affair, he had no doubt that his wife possessed

that influence: The bank had also offered a reward for whatever part of the money might be recovered, independent of the apprehension of the robbers; and as Sayer, he knew, was fond of money, there was thus an inducement for him to undertake it. Mrs. Mackcoull, after depositing the notes with her husband, was dispatched to Sayer with instructions, that, if he agreed to take the business in hand, he was first to go to the agent for the bank, and acquaint him that overtures had been made by the wife of one of the parties to recover the money, and return it on the following conditions:—1*st*, That Huffey White and Harry French would be pardoned for escaping from the Hulks; 2*d*, Although White would, of course, be returned thereto, that no prosecution was to be instituted against the parties on restitution being made; and 3*dly*, As a kind of reward to Mrs. Mackcoull, for procuring restitution of the money, the agent for the bank should farther arrange matters so, that her husband should not be troubled or molested about an old story of nine years' standing. And on these points being fully settled, and the pardons obtained and delivered to Mr. Sayer, so as Mackcoull might go at large, the money would be forthwith delivered up; to the speedy accomplishment of which, however, Mackcoull's personal liberty and assistance were absolutely necessary.

That the agent for the Paisley Union Bank should have swallowed the bait, and been thrown off his guard by such a proposal, is not at all to

be wondered at: the loss of twenty thousand pounds to a country banking-house was a serious matter indeed. And, although it was commendable in the agent to avail himself of such means as might offer to recover the property of his constituents, still he was too precipitate in accepting that proposal from a second party, without first acknowledging and consulting Vickery, and the other officers who were then employed in the business. For, had he done so, it must be evident to the reader, that Mackcoull would not only have been taken, but the whole of the money would, in all probability, have been recovered. His eagerness, however, to get possession of the notes outweighed every other consideration; and he acceded to the proposal without, as Vickery observed, having one single proof of the sincerity of the parties. This injudicious step was the cause of all the mismanagement and irregularity which afterwards marked their proceedings; and deeply may the Paisley Union Bank lament that their agent ever listened to proposals from a party, whose principal, instead of being sincere in what he professed, meant not only to rob his associates in crime, and to purchase his liberty at their expense, but actually to make a fortune by the job—to make the agent for the bank the instrument or tool of his purpose, and last, though not least, to gull and deceive old Jack Sayer, an experienced Bow Street officer, and *make him* the master-key to open the door of the premises!

Sayer never dreamed that Mackcoull had se-

creted any part of the money: on the contrary, he conceived that, by such a large sum going through his hands, he would be handsomely remunerated for any little trouble he might take; and as he was not aware that any of the other officers knew any thing of the proposal, he moved in the business with so much alacrity, that, in a few days, by his means and assistance, the agent for the bank obtained a pardon for Huffey White, and Harry French; and, as it was ascertained that the parties in the old concern of nine years' standing, were dead, the conditions of the treaty, on the part of the bank, were performed to the entire satisfaction of our hero, who felt himself at liberty to act as he thought proper. Accordingly, after various appointments and meetings, Mrs. Mackcoull, one evening at ten o'clock, waited on the agent for the bank, and, in presence of Mr. Sayer, produced a small wicker basket containing, as she said, all the notes of which her husband was possessed. They were immediately counted over, and, to the astonishment of the gentlemen present, amounted only to £11,941 odds! The agent for the bank remonstrated with Mrs. Mackcoull on the breach of faith that had been committed, and insisted on her producing the remainder of the money; but she replied, that her husband declared they were the whole of the notes which had been intrusted to his keeping; and if any more were wanting, they behoved to be in the possession of White or French. She promised, however, to see her husband as soon as possible; and that they would use their joint endea-

hours to obtain restitution of the remainder without loss of time. Mrs. Mackcoull had the notes delivered to her in the same basket in Newman Street, by Mackcoull's mother,—and, as she says, neither knew the amount of these notes, nor of what sum the bank was robbed.—She merely spoke from the assurances of her husband.

The reader will recollect that the sum of 13,000, 7 or 800 pounds had been deposited in Scotch bank-notes, with Gibbons, and were given up by him to Mrs. Mackcoull as he had received them. Whether the lady was, therefore, accessory to concealing any part of the difference betwixt this sum and what she delivered to the agent for the bank, has never been ascertained; but the sequel of our narrative will convince the reader, that she knew nothing of the *remainder* of the money; and as the notes were carried to her husband, at St. Pancras, in the first instance, it is very probable that he may have *then* put aside 17 or £1800 more of the notes, and concealed them, with the former parcels, which, it has been discovered, were buried in a field near St. Pancras Church.

This negotiation soon came to the ears of the other officers, who were so indignant at the treatment they thought they had received from the bank's agent, that they declined moving a step further in the business, or making any inquiry whatever, either as to the retreat of French or Mackcoull, or regarding the remainder of the money. Mr. Sayer, as they observed, had been well paid for doing nothing; while they, who had

all the trouble, and were likely to have succeeded in the end, had received, comparatively, a mere pittance for their labour. The bank had committed themselves so far, that they could neither retract nor advance a step. Mr. Sayer had his official duty to perform at the palace, and could be of little use to them in what they now wanted; while, from the arrangement that had taken place, no application to any of the police magistrates could be received or listened to. In short, the bank were completely left to themselves; and, even after all that happened, were so gulled and deceived by Mackcoull and his wife, that they were put to much additional and unnecessary expense, without then recovering a single fraction more. Huffey White, who lay for some time in Horsemonger Lane prison, refused to speak a word on the subject to the bank's agent, although often applied to; but, as Mrs. Mackcoull frequently paid him a visit, as she pretended, to get some information regarding the rest of the notes, it is believed she may have influenced his conduct. Before going on board the Hulks, however, he confessed the whole circumstances of the robbery to Vickery, who merely visited him for his own information: He also expressed his conviction, that French had none of the money, except a little silver; and that Mackcoull had not only deceived them at Wellwyn, but had the remainder of the notes, whatever the amount might be, in his possession. White, however, was soon thereafter sent on board the Retribution hulk; and, as French behoved to share the same fate, the mo-

ment he might be apprehended, he took care to keep out of sight. Both of these men had made their escape from the Hulks, or, in other words, had returned from transportation, which subjected them to the punishment of death; and, although the pardon obtained by the bank's agent, was a remission of the latter, still the sentence of transportation remained in full force. White was therefore returned to the Hulks in order to be transported; and had not French stood in the same situation, he would, it is said, have come voluntarily forward and disclosed the whole of the affair so as to get Mackcoull punished. For, although it is well known that he was the man who sincerely proposed the return of the whole money, yet Mrs. Mackcoull not only claimed the merit of having done so herself, but actually spread the report that French held the remainder of the notes which was then in her husband's possession. French, finding that it was impossible for him to come forward without being returned to the Hulks, and that the matter had been compromised in favour of Mackcoull, now meditated revenge on the latter. He armed himself with a brace of large pistols, and actually watched, for nights, the different haunts of our hero, with the determination of shooting him. Indeed, he made no secret of his intentions; and all who knew him believe, that, had he fallen in with Mackcoull, he would unquestionably have put his design into effect.—But our hero having been informed of his move-

ments, had him *nosed*,* and he was in consequence apprehended; and a convict-ship being then ready to take her departure for New South Wales, he was put on board of her, and arrived in safety in that colony, where, it is believed, he is still living.

Mackcoull had now nothing to fear: his dangerous enemy was fairly out of the way, and he well knew, that, as White could gain nothing by speaking out, he certainly would never do so; and if he could only manage to send him a little money now and then, to purchase necessaries, he would silence him completely. Besides this, White had escaped twice from the same Hulk; and it was natural to suppose his conduct would be so strictly watched that he would not be able to elope a third time. Our hero having thus possession of about £8,000 of the booty, it became necessary for him to keep out of sight until he found means to vend it. Whether he went into the country himself at this time, or employed an agent to go there is uncertain, but there is no doubt that he then managed to change a few of the notes: And, as he learned that the bank had not only offered a reward for his apprehension, but had employed some officers belonging to the other police offices to look after him, he had recourse to the old expedient—he got his friends to circulate the report that he was gone to *the West Indies*. This story was not only believed by the

* Watched and informed against.

bank and their agents, but they fairly gave up all hopes of ever seeing either Mackcoull or the money.

In March, 1812, however, his retreat was discovered by the unremitted exertions of a gentleman of the name of Houston, who acted for the Paisley Union Bank, and our hero was apprehended in a house in Kenton Street, Brunswick Square, in company with Mrs. Reynolds, and Ann Wheeler, his sister, by George Wood, William Reid senior, and William Reid junior, officers belonging to the Hatton Garden police office, who, strange to say, were employed in this service at the suggestion of Mr. Sayer. These officers made a very strict search through every part of the house, without effect; but found on his person about £60 sterling, in English and Scotch bank-notes, three small memorandum books, full of jottings and figuring, and a bill drawn by Sir William Forbes & Co. of Edinburgh, on Messrs Moffat, Kensington, and Styen, at fifty days' date, for £50, in favour of Mary Reynolds, a woman of bad character, who keeps a house in London Street, Tottenham-court Road. This bill had no doubt been purchased, as many others were, with notes of which the bank was robbed, and clearly proves what we have before advanced—that he had, either personally or by an agent, visited Scotland in place of the West Indies. The circumstances which gave rise to the bill being taken payable to Mary Reynolds, are rather singular:—This woman had, it is believed, been long on the town, and was an old

acquaintance of, or rather a favourite with Mrs. Mackcoull; and when it became necessary for Jem to conceal himself, or, to use his own phrase, to take *a trip to the West Indies*, Mrs. Reynolds, who had now commenced housekeeping, was not only intrusted with the secret, but Mrs. Mackcoull had so much confidence to place in "Mary's fidelity," that the good creature, her husband, was actually placed under her roof, until the storm should blow past. Mrs. Reynolds, however, soon managed to alienate the affections of our hero from his wife, so completely, that she became his only confident—they cohabited together, as man and wife; and, it has been ascertained that a part, if not the whole of the £8000 was, at one time, in her keeping; for she was seen assisting him in counting over an immense quantity of bank-notes on a settee. It may thus be doubted, whether Mrs. Mackcoull ever pocketed a single pound belonging to the Paisley Union Bank.—She has all along denied it most strenuously; and as she certainly never knew where he concealed the notes, and did not, for long, suspect that there was any improper correspondence betwixt her husband and Mary Reynolds, it may at least be presumed that our hero had deceived his wife as well as the rest of his associates.

Mackcoull was detained at the public office, Hatton Garden, in virtue of the placard published by the bank, until a warrant from Scotland arrived. This warrant was issued by the magistrates of Glasgow, and having been indorsed by

Mr. Justice Read of the Public Office, Bow Street, our hero was sent off to Scotland. On this occasion he was decorated with a pair of tremendous heavy *darbies*,* weighing upwards of forty-two pounds, said to have been those worn by Rann, or *sixteen string Jack*, the famous highwayman; and being also handcuffed, he was placed on the top of one of the coaches, and in this situation left London for the north. He complained loudly of the conduct of the Hatton Garden officers on this occasion, and insinuated that they had been bribed to act in the manner they did. For when he reached the Bull and Mouth, and got on the top of the coach, a number of the higher order of thieves, who were the friends of White and French, stood round jeering and laughing, making the most ridiculous gestures, and, as they said, enjoying themselves at the expense of a *bucketer*.† Some of them observed that the *Captain* looked extremely well after his *West India voyage*—others, in allusion to his nose, that the convoy was about to get under weigh, for the commodore had hoisted *Blue Peter*; while they all agreed that he set the darbies and rufflest charmingly, and that "nothing was wanting to complete his full dress but a *nosegay*, which he would easily procure among the *flowers of Edinburgh*." He arrived in Glasgow on the 8th day of April, 1812, and two days thereafter under

* Irons for the legs.

† He who cheats or robs his associates in crime.

‡ Handcuffs.

went an examination before one of the Bailies. We have been favoured with a copy of the declaration he emitted on that occasion, which we insert as a curiosity, and as affording a strong proof of the presence of mind, or rather effrontery, of a man deemed a public depredator, and brought as such from London, in heavy irons, to the very city where he had committed a robbery of unparalleled extent:—

"DECLARATION OF JAMES MACKCOULL, *alias* MOFFAT.

"*At Glasgow, the 10th day of April, 1812 years, in presence of* JOSHUA HEYWOOD, *Esq. one of the Magistrates of said City,*

"Appeared JAMES MACKCOULL, *alias* MOFFAT, who being examined, declares, That his proper name is James Mackcoull, but for about twelve years past he has been known by the name of Moffat, in consequence of his having transacted business in Hamburg for a gentleman of that name, after whose death he continued the business without changing the name. Declares, That he will answer no more interrogatories, unless he is made acquainted with the charge against him; and the petition at the instance of the procurator-fiscal, dated the 7th day of September last, with the warrant of the magistrates of Glasgow thereon, of the same date, and indorsement by Mr. Justice Read of the Public Office, Bow Street, having been read over to him, and he having being interrogated, If he understands the same?

declares, That he does, but that it appears the information against him is not upon oath. And being interrogated, If he was in Scotland in the month of July last? declares, *That he does not keep a diary*, and therefore can only say that he was several times in Scotland during the course of last year. Interrogated, If, in the course of last Summer 1811, he was in the city of Glasgow? declares, He was two or three times. Interrogated specially, Whether he was in Glasgow in the month of July last? declares, That he cannot recollect, *as he does not keep a diary*. Interrogated, If he recollects in what manner he travelled upon any of these occasions when he so came to Glasgow? declares, That if he can get one or two persons to go with him in a post-chaise, he travels that way, on account of his having burst a blood vessel some years ago, but sometimes he travels in stage-coaches. And being desired to specify in which of these ways he travelled in coming to or going from Glasgow last summer? declares, That he does not remember, but he thinks the last time, or the last time but one, that he came to Glasgow, which was from London, was in a chaise. Declares, That last summer, in very fine weather, but the month he does not exactly remember, he was in Glasgow for the last time: That he had been at Port-Patrick and came back by Dumfries, on purpose to see an acquaintance of his there, whom he had formerly known on the continent: That from Dumfries he travelled to Glasgow, partly on foot and partly in a return-chaise, and he staid in Glasgow one night, lodging in an inn in one of

the closes to the westward of the Tontine Tavern, but he does not remember the name of the inn, nor of the person that kept it: That next morning he had to go to Edinburgh: That he thinks it was a Sunday morning, but is not quite sure, but there was only one coach going to Edinburgh, as far as he learned: That he applied at a coach-office and found there was no room, and met there with some gentlemen, four or five in number, who, like himself, were disappointed of room in the coach: That some of these gentlemen proposed to join in taking a post-chaise: That they went to several places inquiring for a chaise, and at last one was got, but in what part of the town he cannot say. Interrogated, Whether the said chaise was brought to him and the other gentlemen at any particular place, or if they went to the place were it stood? declares, That he cannot exactly say. Interrogated, What was the nature of his business in Glasgow on this occasion? declares, *That his commercial concerns and connexions have nothing to do with any persons here present.* Interrogated, Who was the person or persons he did business, or intended to do business with on this occasion? declares, *That he would not hurt or wound the feelings of any gentleman he might have had commercial transactions with, and he therefore declines to mention their names.* Declares, That he and the two gentlemen aforesaid, whose names he never learned, as far as he now remembers, posted on to Edinburgh, where they arrived before dinner, but the time he cannot exactly say: That he cannot, to within half an hour, say the time at

which they set off from Glasgow, but it might be from half after five to half after six: That he does not know the names of the towns, or stages, and cannot say upon which road the journey was performed: That the two persons who travelled along with him on the said occasion, seemed to be acquainted with one another, and to know a number of mercantile people in Glasgow; and they talked about muslins; and one of them, who was addressed by the other by the name of Anderson or Henderson, or some such name ending with the syllable 'son,' talked of having been on the continent, and at Leipsic: That the declarant and these two gentlemen left the chaise in Prince's Street, Edinburgh, and did not go into any house: That he thinks they contributed the amount of the posting at the last stage, and that the post-boy was paid in Prince's Street, at least the declarant went away there, and does not know where the other gentlemen settled the posting. Declares, That he had himself no luggage on this occasion, except a shirt in his pocket, and as far as he recollects, the other gentlemen, if they had any luggage, had but a small bundle not larger than his hat, or rather not so large. Declares, That he met in Edinburgh with a gentleman of his acquaintance, who took him to the house of his brother or brother-in-law, where the declarant dined: That the gentleman who took him to dinner, as has just been mentioned, has gone to the *West Indies; but the declarant does not wish to mention either his name, or the names of many gentlemen in Edin-*

burgh, whose acquaintance he enjoys, for the reasons of delicacy formerly mentioned. Interrogated, Where he lodged on the night succeeding his arrival in Edinburgh? declares, That he will not answer that question, but it was not in a public-house. Interrogated, How long he remained in Edinburgh on the said occasion? declares, That he cannot exactly tell, as he has been in Edinburgh two or three times since, but he is not sure that he was not in Edinburgh a week on the said occasion. Interrogated, Where or to what place he went when he left Edinburgh on the said occasion, and in what manner he travelled? declares, That he declines answering that or any question more, as similar questions were answered before. Interrogated, What time may have elapsed between the time when he was last in Glasgow, previous to the occasion he has now mentioned, whereon he posted to Edinburgh? declares, That he will answer no more questions," &c.

Having been fully committed for trial, he was incarcerated in the jail of Glasgow, and while there he did not attempt seriously to deny the crime with which he was charged. On the contrary, he pretended he was ready to account, as far as in his power, for the balance still due to the bank, and with that view he offered to put the bank in possession of £1000 of their money, and at the same time delivered to Mr. Templeton (the manager of the branch at Glasgow) a promissory note for £100, granted by himself to Ann Wheeler (his sister), dated 8th May, 1812,

payable six months after date, with her indorsation thereon. He afterwards ran his letters against the King's Advocate! and, *it being supposed that there was no sufficient proof against him*, upon which a capital conviction might be expected, and the statutory period for bringing him to trial being elapsed, he was liberated, in terms of the act 1701, on the 2d of July, 1812, and immediately returned to London.

The bank agent in London actually received from Mr. Harmer, who was then Mackcoull's solicitor, £1000, all in Scotch bank paper; and, if we are correctly informed, the greater part were their own notes, of which their office in Glasgow had been robbed, and which Mr. Harmer afterwards deposed were given him for that purpose by Mackcoull's mother! This took place while Mackcoull was in Glasgow jail; but, after his return to London, he actually sued Mr. Harmer for the £1000, alledging that the money had merely been lodged in his hands by his mother, who was since dead, and that Mr. Harmer had no authority whatever *from him*, to pay it away. When interrogated as to this, during his judicial examination, before Lord Gillies, he declared, "that he was *successful* in the said action, and had costs awarded him: that a reference was made as to the amount of the sum which he was entitled to receive, Mr. Harmer having brought forward counter-claims, and the balance found due, on the reference to the declarant, was between two and three hundred pounds, inclu-

ding costs; which sum the declarant actually recovered!!!"

The promissory note for £400 was made payable to Ann Wheeler, his sister, at No. 2, Oxendon Street (the residence of his wife); and, as it was indorsed by her, would have been paid by Mackcoull, had legal means been used by the bank when it became mature: But, strange to say, they did not even make the experiment.

Our hero was not only very active while in London, but actually made several trips to Scotland, both by sea and land. In August, he purchased a bill on London, from the Commercial Banking Company, in the name of James Martin, for £300, and another from the British Linen Company, in December following, for £500, in name of James Major; and intermediately he purchased bills on London, both at Berwick on Tweed, and Newcastle on Tyne, in the name of Martin, and to nearly the same amount, with notes of which the bank had been robbed. He now lived very freely, and considered himself beyond all danger. He very seldom visited his wife, who now saw her error when it was too late to apply the remedy. She had given Mary a "blowing up" once or twice without producing any other effect than a *set down* from the "good creature" her husband, who not only took Mrs. Reynolds's part, but actually placed her in an elegant house in the west end of the town. Mrs. Reynolds had a brother whose name was James Harrison; a more infamous, depraved wretch, we

believe, was hardly to be found in Britain: He had once been a common soldier, and an itinerant dancing master, but afterwards lived with his sister as a *protector*, and was denominated by Mackcoull the *hop merchant*.

It is believed that this blackguard was employed by our hero to vend the Scotch bank-notes; and actually on one or two occasions accompanied him to the North. He was the particular friend and constant companion of Mackcoull, who went nowhere in town without him; and, in some of his examinations before the bailies, or before the judges in Scotland, our hero introduces his friend Mr. Harrison as a *merchant* with whom he had considerable transactions in *brandy*, whose place of residence was London, and who lived on *his* money! *All of which*, according to Mackcoull's interpretation of the words, was strictly true.

In November 1812, Mackcoull opened a deposit account with Messrs. Marsh, Sibbald, and Co. bankers in London, in the name of James Ibell, with whom he cashed the different bills he purchased in Edinburgh, Leith, Berwick, and Newcastle; and, as Mr. Denovan afterwards ascertained, had in their hands, at one period, above £2000. He drew very little money himself, to avoid suspicion, but operated on his account by drafts in favour of Mr. Harrison, Mrs. Reynolds, and of his sister Ann Wheeler, up to the year 1818. The only annoyance he met with at this period, was now and then a call from Mrs. Hulley White, and a crave from Scol-

tock the blacksmith. To the former he never gave a sixpence; but, to use his own words, "he would rather have met a mad dog than Vulcan," for he had become very importunate, and affronted him often in the public streets. It is rather singular that he did not square accounts with this man, who certainly had it in his power, as afterwards appeared, to injure him very materially; and who never failed to crave Mackcoull, by name, in the rudest manner, especially when he saw him in company with a stranger respectably dressed, and to whom he was confident he had introduced himself, or been introduced by his friend Harrison, as *Captain Moffat.*

On the 26th of February, he again sailed from London in the smack Hope, and arrived at Leith on the 4th of March, 1813, in order to vend more of the stolen notes; or, as he had formerly done, to give them in exchange for bills on London. He at first stopped at the Britannia Coffeehouse, at the foot of the quay, but after dinner removed to the Ship Tavern, his old resort, which, he learned, was then kept by a new tenant, to whom he was a stranger. In passing up the street, however, he was observed by Mr. Denovan, who then superintended the Leith police. Suspicious that our hero was about some mischief, he cautiously watched his movements, saw him go into the branch of the British Linen Company bank, remain for some time there, and then go towards the Commercial Banking Company's office, which he was about to enter when the door was shut. It was then three o'clock, and

business being over for the day, he returned to the Ship Tavern. Here he was followed by Mr. Denovan, who managed to get into a private room; and, having called for the landlady, learned that our hero had preferred sitting at the kitchen fire, to smoke his pipe, to any other apartment in the house, and assigned as a reason for this election, "that he had spent many a happy hour there in his younger days, having served his apprenticeship to the sea in a vessel belonging to Leith!" He told the landlady (Mrs. M.), that he had been collecting money, and showed her a great number of bank-notes, tied in a small handkerchief, which he had nearly lost in the Britannia, he said, owing to the negligence of the waiter. That he had been to one of the banks in Leith to buy a bill on London, and intended purchasing more bills from the other banks, "as he wished to give them all a share of his business!" but was too late. He would therefore stop in her house all night,—buy the rest of his bills to-morrow, and, if the Caledonia smack sailed in the evening, he would go passenger by her, as the captain was his old acquaintance. Mr. Denovan having instructed the landlady how to act, hastened to the British Linen Company's office, and ascertained that Mackcoull had purchased a bill on London in the name of James Martin, for £540, with Scotch bank-notes, which had the appearance of having *lain long aside;* and that some of them were not only of the Paisley Union Bank, but of such *old dates* that they could not then be issued from that

bank.* This was observed by the clerks in the bank at the time, who not only made some remarks on the occasion to one another, but had looked so particularly at the man who bought the bill, that, as they said, they could point him out among a thousand men. In these circumstances, Mr. Denovan allowed our hero to remain undisturbed until next day, when, having again watched all his movements, found he had bought all the bills he wanted, and that he intended going passenger by the Caledonia smack to London,—he took him into custody, and, after searching him in the Police Office, in Leith, conveyed him to Edinburgh, in order to his being examined by the Sheriff.

The evening being then far advanced, he was kept in custody until next day, and brought before one of the Bailies, when he emitted the following very singular declaration :—

"*6th March*, 1813.

"Appeared JAMES MOFFAT, *alias* MACKCOULL, who being judicially examined and interrogated, declares, That he was in Glasgow jail for some time previous to July last, and was liberated about the 3d or 4th of that month, when he went to London: That about ten or eleven weeks ago he came to Leith, and received from a gentleman there about £600; but, from motives of delicacy, he declines to tell the gentleman's name: That

* No private banking company can issue notes for a longer period than three years, without renewing them.

he cannot recollect in what kind of notes this payment was made, only they were Scotch and English notes: That he returned to London, and remained there till he came to Leith the day before yesterday in the Hope smack: That there were no acquaintances of the declarant's came along with him: That his reason for coming here was, that he was sent down by his attorney upon some very particular business, which, however, he declines to mention, as it might be injurious to his cause now going on in London: That he arrived on Thursday, about eleven o'clock, and went to the Britannia Coffeehouse, where he dined, after which he went to a house formerly kept by a Mrs. Cairns on the shore of Leith, where he slept all night: That he had no portmanteau along with him, as he intended to stay but a short time in Leith: That the declarant, upon being interrogated what money he had upon him, produced two £5 notes of the Bank of England: That he also produced nine £2 notes of the Bank of England; and eight £1 notes of the Bank of England: That he thinks he brought some of these notes from London with him, and others he got in Leith: That he has no more money upon him but some silver: That the declarant also produced a draft from the British Linen Company's office, dated Leith, 5th March, 1813, for £31 sterling, payable to the order of Mr. James Martin, and addressed Messrs. Smith, Payne and Smiths, London, payable fifty days after date, and another draft from the Commercial Banking Company of Scotland's office at Leith, dated 5th

March, 1813, for £420 sterling, payable forty days after date, and addressed to Messrs. Bruce, Simson, Freer and Company, bankers in London. And being interrogated, Who Mr. James Martin is, to whom these orders or drafts are payable? declares, That he is a particular friend of the declarant's residing in London, *but motives of delicacy prevent him from mentioning what part of London he stays in:* That the declarant went himself to the Commercial Banking Company, and purchased the draft for £420, before referred to. And being interrogated, what kind of notes he paid into the Commercial Bank, upon receiving said draft? declares, That he paid it in the notes of different banks, but he does not recollect the name of any of the banks. And being interrogated, Whether the payment was in large or small notes? declares, That there was nothing higher than twenty-pound notes. And being interrogated how many twenty-pound notes there were in this payment? declares, He cannot recollect: That these twenty-pound notes were of different banks, but he cannot exactly recollect of what banks these notes were. Declares, That he sent a servant from the house where he lodged at Leith to the British Linen Company's office there, for the draft of thirty-one pounds: That he does not think that there was a twenty-pound note in that payment, and he cannot say of what description the notes were he gave the girl. And being interrogated, If he can specify the number of English bank-notes found upon him which he received at Leith, from those which he

brought from London? declares, in answer to this question, That the whole of the property found upon him is his own. And being again interrogated, If he declines to answer the questions last put to him as to the notes he got in Leith? declares, That he will not take upon himself to charge his memory as to where he got these notes; and declines to answer any more questions, under the impression he does not know who accuses him, or what he is accused of; and that he has repeatedly asked for his accuser to stand forward: And being informed that the accusation against him is in behalf of the Paisley Bank, whose office in Glasgow was robbed of bank-notes to a considerable amount some time ago; and being interrogated, If, in purchasing the two drafts before mentioned, he gave in payment any twenty-pound notes of the Union Paisley Bank, or of the Royal Bank of Scotland, or of any of the Edinburgh banks? declares, That he does not think there were any twenty-pound notes of the Union Paisley Bank, and thinks that he could safely swear so: and as to the other banks, he does not recollect, as before declared to, only that they were Scotch notes. And being interrogated, If he was in the British Linen Company's office at Leith, yesterday, or the day before, and if he purchased a draft of from £500 to £600? declares, That the day before yesterday he was in the British Linen Company's office at Leith, and did purchase a draft of from £500 to £600, but does not recollect the exact sum. And being interrogated, if he recol-

lects, Whether the payment for this draft was made in large or small notes? declares, That he will not charge his memory with it, but they were paid in Scotch bank-notes: That he cannot recollect whether the payment for the draft of £420 was paid in Scotch bank-notes or not, but he rather thinks they were all Scotch notes. And being interrogated, If he has the draft from the British Linen Company's office at Leith, of from £500 to £600? declares, That he has the draft in his pocket, and now produces the same: That said draft is dated British Linen Company's office, Leith, 4th March, 1813, for £510, payable forty days after date, to Mr. James Martin, addressed to Messrs. Smith, Payne and Smiths, London. And being interrogated, If he brought the Scotch notes and other notes with him, with which he purchased the three drafts produced by him from London, or where he got them? declares, That he got the whole of the notes in Leith soon after his arrival. And being interrogated from whom he got them? declares, That he got them from a gentleman who is going into partnership with him. And being interrogated who that gentleman is, declares, *That motives of delicacy will not allow him to tell.* Declares, That on Thursday he received from the gentleman who was to go into partnership with him, a one thousand pound Bank of England note, which note the declarant transmitted to London, and declines to say how he sent it, or to whom: That he knows the number of that note, but declines to tell it. Declares,

That the last time he saw the gentleman who is to enter into partnership with him, was yesterday."

Independent of the bills he purchased himself, he also sent the girl of the house to the British Linen Company's office, as mentioned in his declaration, and made her buy another bill for him of £31. This is easily accounted for:—He had sent the same girl over the whole town, endeavouring to get all the English notes she could in exchange for Scotch ones,—for the English bank-notes found in his possession were actually obtained in that way; but finding that he could not change any more of them in Leith, he sent and bought the £31 bill with the remainder of the Scotch notes that remained in his pocket.

The Paisley Union Bank had, at this time, an excellent hold of Mackcoull, and had they employed Mr Denovan, or any intelligent London police officer to follow up their advantage, there cannot be a doubt that the whole of the property then in the possession of the robber or his friends, would have been recovered; for the steps that were taken seven years afterwards clearly prove this. But it was believed, owing to our hero having run his letters against his Majesty's Advocate, while in Glasgow jail, that he could not again be committed for the same crime; and the warrant of imprisonment, issued by the Bailies of Edinburgh, having been withdrawn, he was, after seventeen days' confinement, again set

at liberty! The agent for the Paisley Union Bank was merely instructed to raise diligence on the promissory note to Ann Wheeler, which Mackcoull delivered to Mr Templeton, when confined in Glasgow jail, and on which arrestments were used in the hands of the Magistrates of Edinburgh, and of Mr Callender, then clerk; as also in the hands of the British Linen Company and Commercial Bank; but Mackcoull having presented an application to the Magistrates by his agent, Mr. John Dickie, received up the £36 in Bank of England notes, which were found in his possession when apprehended, and proceeded immediately to London, probably to avoid being again imprisoned on the diligence raised by the bank. It is certainly very singular, however, after getting up the £36, that he did not also apply for restitution of the bills he had purchased in name of James Martin, the more especially as his agent could have done this even after he left Edinburgh. But it is evident he was afraid, and that his usual presence of mind and effrontery had forsaken him; for, after prosecuting his attorney, Mr Harmer, in London, for return of the £1000 he had, by his mother, instructed him to pay to the bank, can it be doubted that he would have made an application for restitution of the bills, had he *not*, at the time, dreaded the consequences of an investigation?

Mackcoull, as we have informed the reader, took up his abode with Mary Reynolds, a woman of bad character, with whom he continued to reside in a very elegant house, in the west end of

the town, and entirely deserted his wife, with whom he had had no communication whatever since the autumn of 1811.

One evening, however, shortly after his return to London, on being liberated from Edinburgh jail in April, 1813, he was induced, by accepting a foolish bet in a low company, to pay her a visit, for a purpose we forbear to explain. Some violent altercation took place, and mutual recrimination following, Mackcoull got into a passion, and with a large poker was demolishing and destroying every valuable article in the house, when Mrs. Mackcoull found it necessary to call, from the window, for help, on which a watchman came to her assistance, and to whose custody she would have consigned her husband, but he knocked the man down, and continued the work of destruction. So soon, however, as the watchman recovered himself, he got into the street, and having sounded an alarm, was joined by two of the Bow Street patroles, who, rushing into the house with their drawn cutlasses, made our hero their prisoner, handcuffed him, and conducted him to the office, where he was loaded with irons. Next morning he was brought before the magistrates, and sentenced to six months' close confinement in Newgate, and to find two sureties in £150 each, to keep the peace for the space of three years thereafter, as a punishment for having struck a watchman in the discharge of his duty; and he was accordingly committed to prison on the 18th May, 1813.

When the period of his imprisonment expired,

by lodging funds in their hands, he procured two sureties; and it is singular, on this occasion, that he had the impudence to design himself James Moffat, of *New Street, Canongate*, Edinburgh, leather-stainer, the place where he lived when he first came to that city, in 1805, and where he resided when William Begbie was murdered. He did not then, however, *pretend* to stain leather; but in that other world to which he is gone, and unto that All-righteous God to whom he has, ere now, rendered an account, is it known whether or not he stained his hands with blood.

Some time previous to this, Huffey White made his escape from the Retribution hulk (the third time), and, in concert with a person of the name of Herring and two women, robbed the Leeds mail near Kettering. It having been soon ascertained at Bow Street by whom this robbery was committed, Herring was taken, but White managed to elude the vigilance of his pursuers for a considerable length of time. Placards, offering a great reward for his apprehension, were sent from the General Post-office in London, to every town in Great Britain; and, from the various hair-breadth escapes which he at that time made, his fate excited a good deal of anxiety in the public mind. He was, however, taken at Liverpool, after a desperate resistance, and conveyed to Northampton jail. He was tried along with Herring, at the assizes held at Northampton, in August following, and, being convicted of the robbery, they both underwent the sentence of the law a few days thereafter.

Some people allege, although Mackcoull was then in confinement, that the information which led to the apprehension of White was actually given by Mackcoull's agents at Liverpool! Certain it is, that our hero evinced much agitation when he learned that White was at large; and when his death was announced to the prisoners in Newgate, Mackcoull was heard to say, "Ay, ay, so they've shut poor Huffey's potato-trap.—He'll tell no long stories." While White lay under sentence of death in Northampton jail, his wife called on Mackcoull in Newgate, and intreated he would only lend or give her as much money as would carry her there, to see him before he suffered; but he treated the poor wretch with the greatest apathy and deceit: He put her off from day to day, with idle promises, so that she might not get to Northampton, and speak with her husband—for he dreaded the consequences. Finding at last, however, that he was merely amusing her, she gave him a *dreadful blowing up*, in presence of all the prisoners; and having applied to an old *family-man*, she was accommodated with what she required to carry her to Northampton, and remained with her husband until he suffered.

In October 1818, and while Mackcoull was in durance vile in Newgate, the Paisley Union Bank presented a petition to the Bailies of Edinburgh, "praying them to authorise their clerk to deliver up the bills on London (which had no doubt been purchased by Moffat with notes of which the bank was robbed), upon the partners thereof lodging, in the hands of Mr. Callender, a bond of indem-

nity and relief, in such terms as the Bailies might think proper." At the same time, James Smyth, Esq. W. S. agent for the bank, intimated to a Mr. John Dickie, who, as already stated, had acted as Mackcoull's agent in the application for redelivery of the English bank notes, that a petition to that effect had been presented to the Bailies. Mr. Dickie accordingly took up the petition, and wrote a letter to Mackcoull, intimating this proceeding; but not being able to procure any answer, and being ignorant of Mackcoull's real situation at the time, he returned the petition to the clerk of court without answers; and the Bailies, on the 25th November following, "granted the prayer of the petition, on proper security being given for indemnifying Mr. Callender and all concerned."

Sir William Forbes and Company, bankers in Edinburgh, became sureties, in terms of the magistrates' order; and the Paisley Union Bank having executed bonds of indemnity to the British Linen Company and Commercial Bank, received from them the contents, while the drafts themselves were delivered over to these banks, by which they were granted.

Matters remained in this situation until the spring of 1815, when Mackcoull, conceiving that he might probably recover the drafts from the clerk to the Magistrates, but being also at the same time afraid of trying the experiment in person, until he ascertained how the parties were disposed to act, wrote several letters to Mr. Callander, "demanding restitution of his property;" and having,

on the 2d of March, received an answer from that gentleman, detailing how the drafts had been disposed of, he left London shortly thereafter, and arrived in Edinburgh in the beginning of April following. He commenced operations by calling at the British Linen Company and Commercial Bank, and *demanding*, in the most imperious manner, restitution of the bills he had purchased from them *for his friend Mr. Martin*, or other bills in lieu of them. He then wrote a fair statement of his whole case, which he laid before the then Lord Advocate (Colquhoun of Kellermont); but, as that learned officer did not feel himself bound to interfere, he went in person to the Council Chamber of Edinburgh, and, to use his own words, "expressed the utmost indignation and surprise at the proceedings that had taken place; and there, in presence of all the persons assembled, demanded restitution of the bills which had been most illegally taken from his person." The manner in which he conducted himself on this occasion, and the unparalleled effrontery he displayed, is said to have struck every one dumb with astonishment. He went on at such a rate, and became so very insolent, that the city officers were directed to turn him out of the chamber, which they did.

He immediately brought an action before the sheriff of the county of Edinburgh, against Mr. Callander the city clerk, Mr. Ponton the procurator-fiscal, and Mr. Smyth the agent for the Paisley Union Bank, in which he concluded against them for restitution of the drafts in ques-

tion. But, after some procedure, the action was dismissed,* and a bill of advocation against the judgment refused.

He next brought an action in the Court of Session, against Mr. Johnston the bailie, and Mr. Ponton the procurator-fiscal, for having the drafts, or the value thereof, restored to him, and also for damages. Lord Gillies assoilzied Mr. Ponton, in respect of the judgment of the sheriff; and appointed Mackcoull to give in a condescendence, in terms of the act of sederunt, in support of the conclusions of his action against Mr. Johnston. In place of obtempering this interlocutor, he raised a new action against Mr. Robert Cockburn, who had granted the warrant for delivering up the drafts; and also against James Miller, Esq. the cashier, as representing the Paisley Union Bank. Mackcoull appears to have been doubtful of success in those actions, and therefore he brought a third action (called a multiplepoinding), in name of Mr. Callander, the depute city-clerk, to determine the right of parties to the bills in question.

In this action Mackcoull lodged a claim, in which he maintained a right to the fund *in medio*, as his own exclusive property, on the ground of the drafts having been improperly taken from him by order of Mr. Johnston the bailie. On the other hand, Mr. Miller lodged a claim, on the part of the bank, in which he claimed the drafts as having been purchased with part of the money stolen

from the bank. He also founded on the arrestments which had been used on the promissory-note for £400; and produced, along with his claim, the criminal proceedings that had taken place against Mackcoull in Glasgow.

When the parties were heard in the multiplepoinding in support of their respective claims, it was stated, on the part of the bank, that Mr. Callender was not then the holder of the drafts: on the contrary, that he had delivered them up to the Paisley Union Bank, under a judgment of the Magistrates; and that, having done so, no further proceedings could take place in the multiplepoinding till the decree of the Magistrates was reduced and set aside. The Lord Ordinary thereupon sisted procedure till an action of reduction should be brought for reducing and setting aside the interlocutor of the Magistrates, ordaining Mr. Callander to deliver up the bills to the Paisley Union Bank.* An action of reduction was accordingly raised,† and the whole FOUR actions were conjoined.

The case came to be debated before the Lord Ordinary,‡ and his Lordship, on hearing the counsel on both sides, ordained Mr. Miller, for the bank, "to state, in a condescendence, framed strictly in terms of the act of sederunt, the facts which he alleged and offered to prove in support of his allegation that the bills taken in the name

* Vide the opinion of Lord Gillies, which is given at length in the Appendix.

† 27th June, 1816. ‡ 1st March, 1817

of James Martin, were purchased by the pursuer (Mackcoull) with bank-notes, not his own property, but the property of the Paisley Union Banking Company."

A condescendence was accordingly lodged, and, being followed with answers, the counsel for the parties, in terms of his Lordship's order, were heard in a long debate upon the import of the facts stated in these papers, and upon the whole cause.* As it appeared to the bank that the proof proposed might be much abridged if Mackcoull was appointed to undergo a judicial examination, their counsel moved the Lord Ordinary to make an appointment to that effect; and his Lordship allowed Mr. Miller to state, in writing, the interrogatories which he proposed to put to Mackcoull. These interrogatories were accordingly lodged, but Mackcoull immediately objected to them, being, as may well be supposed, most unwilling either to go to proof or to be examined. He contended that he was not bound to undergo a judicial examination, and he maintained that the facts stated in the condescendence for the bank, were not relevant. The bank, on the other hand, being anxious to go to proof, were not inclined to pursue any lengthened litigation upon the objections to the condescendence, and they, therefore, at once offered to withdraw that paper, and to lodge another which should be free from the objections stated by Mackcoull.

The counsel for the parties having been heard

* 9th December, 1817.

as to the proposed interrogatories, and a new condescendence having been lodged by the bank, the Lord Ordinary "found* that the claimant Moffat was not bound to undergo a judicial examination, as formerly insisted on by the Paisley Union Banking Company: That the multiplepoinding brought in the name of Alexander Callander, depute city-clerk of Edinburgh, was a proper and competent action for trying the right and property to the bills in question, betwixt the two competing parties; and, in respect of what was stated in a new condescendence given in at the bar, the Lord Ordinary allowed the same to be seen; and appointed Moffat to give in answers thereto, framed strictly in terms of the act of sederunt."

The counsel for both parties having been again heard before the Lord Ordinary,† his Lordship expressed his intention of making a verbal report of the case to the whole court, with the view of taking their opinion whether the bank should be allowed a proof of the allegations contained in their condescendence, when Mackcoull's counsel stated, *that the claim on the part of the bank had been* COMPROMISED, *and that no proof ought to be allowed.* The Lord Ordinary therefore ordained the competitor, Moffat, to give in a minute, "stating the grounds upon which he maintained that the *case had been compromised* on the part of the Paisley Union Bank, and that they were barred, *personali exceptione*, from insisting in the then competition: And, at the desire

* 17th January, 1818. † 29th January, 1818.

of the counsel for the Paisley Union Bank, dispensed with a representation against that part of the interlocutor finding that Moffat was not bound to undergo a judicial examination; and allowed them to apply, by petition, to the Lords of the First Division of the court, for an alteration thereof, if so advised."

As Mackcoull did not choose to give obedience to the above order, by lodging a minute of the grounds on which he maintained that the bank was barred, by a personal exception, from insisting in the competition, the bank deemed it altogether irregular, while their title to pursue was questioned, and while it remained undecided whether a proof was to go out or not, to trouble the court with any argument on the question whether Mackcoull should previously undergo a judicial examination; and therefore the interlocutor was kept open by two successive short representations on the part of the bank, in the last of which they craved the Lord Ordinary "to supersede consideration of the same," till the minute that had been ordered should be lodged. This last expedient had the desired effect: A minute was brought to the bar;* and, as the Lord Ordinary had previously appointed the minute, with the answer thereto, and also the condescendence and answers, to be printed and boxed, so that the whole case might be before the court, the representation was, with the consent of the bank, refused, so that they might at the same time be enabled to bring before the

court the question as to the judicial examination of Mackcoull.

The Paisley Union Bank, in name of Mr. Miller their cashier, then presented* a petition to the court against the Lord Ordinary's interlocutor, which being advised, with answers for Mackcoull, their Lordships "adhered† to the Lord Ordinary's interlocutor, so far as regarded the putting of any interrogatories to the respondent (Mackcoull), which were not specially applicable to the bills in question, and the alleged fact of the money wherewith the said bills were purchased being the property of the Paisley Bank; but found, that the respondent *was bound to undergo a judicial examination on relevant and special interrogatories*, qualified as aforesaid: Remitted to the Lord Ordinary, to consider and adjust the interrogatories that should be put to the respondent accordingly, and recommended to the Lord Ordinary to appoint the respondent's examination to be taken in his own presence: Altered the Lord Ordinary's interlocutor to the extent and effect above mentioned, and reserved the consideration of expenses till the final issue of the cause."

The case was accordingly enrolled before the Lord Ordinary,‡ for the purpose of giving effect to this judgment. On this occasion, the counsel for the parties differed so widely in opinion as to the nature and complexion of the interrogatories to be put to Mackcoull, that the latter, who had

* 9th April, 1818. † 26th June, 1818. ‡ 30th June, 1818.

every thing to apprehend from such a measure, presented a very long petition to the court.* The object of that petition, however, did not appear to be that of specifying or qualifying the interrogatories: On the contrary, it contained every objection that could be urged to a judicial examination; and various quotations from the laws and decisions of the English and Scotch courts were adduced in support of the plea that a judicial examination in such a case was illegal.

The counsel for the bank justly observed, in their petition to the court, in the month of April preceding, "that no man pleading innocence, and unconscious of guilt, would have objected to an examination which afforded the most ample opportunity of vindicating himself;—that there was no mode better calculated for expiscating truth, in cases of falsehood and fraud, which are generally difficult to be proved by direct evidence, than that of a judicial examination of the party." It is a form of process which we have borrowed from the Roman law, and is well known in the supreme courts of Scotland, both civil and criminal, as well as in all the inferior courts, and, it is believed, is never refused by the judge, when circumstances are made out and proved, *aliunde*, sufficient to excite a strong presumption against the party.

Mackcoull's counsel, on the other hand, contended, that "nobody is bound to criminate himself—*Nemo tenetur seipsum accusare*;†"—that

* 3d July, 1818. † Stair. Erskine.

" It is the common interest of mankind, that they be not urged to swear against their life, limbs, or fame—*Nemo tenetur jurare in suam turpitudinem;* and that the forcing the lieges to depone against themselves, is contrary to law: That these were maxims of such universal reception, so consistent with *natural justice*, and so necessary to all views of good policy, that it could not fail to excite the utmost astonishment that any doubt of their universal and strict application should be suggested: That the petitioner (Mackcoull) was free to confess that he felt the utmost difficulty in framing an argument on such a point. Nor did he know, in support of these maxims, whether to begin by referring to the dictates of *natural justice*, to the principles of judicial policy, or to the authority of writers on law, and of courts of justice:" " That no graver or more important question had ever been argued at their Lordships' bar; and he, the petitioner, took the liberty to repeat, if their Lordships were to find the reverse of these propositions, that this would be the only country, and this the first case in which such a doctrine had been received. Nay, he undertook to say, that it was the first time that any such attempt had been made, or any such argument maintained by any party or by any advocate! That his counsel thought it their indispensable duty to protect their client against the unwarrantable attempt that was made, under colour of interrogatories proposed to be put to him in a civil suit, to involve him in the risk of being tried for his life. *They had no ap-*

prehension, however, that their client was in any danger from the result of such a trial,—the petitioner (Mackcoull) having been incarcerated *when the event was much more recent, and liberated because nothing could be brought against him;* having, *again, twelve months afterwards, been illegally taken up,* and, after three weeks' imprisonment, *being again liberated for the same reason;* having, from that time to this, *solicited, by every mean in his power, the attention of the law officers of the crown, of the sheriff and magistrates, and of the Paisley Union Bank itself, to his case;* having actually come to *reside publicly in Scotland,* for the very purpose of *personally* urging forward the action of damages and restitution which he had been compelled to bring against the several parties to the oppression he had suffered, which had then depended before their Lordships for upwards of THREE YEARS, *exciting a considerable degree of attention,* from the singular nature of the circumstances on which the case was founded; having drawn the defenders (the Paisley Union Bank) to confess, that, though well furnished with the talents and the disposition to heap upon him every sort of abuse, *they had not, up to that hour, been able to procure the slightest evidence of any one of the numerous allegations they had presumed to make against him;* but were compelled at last *to refer to him, whom they had designated a thief and a robber,* to determine, by his judicial declaration, WHETHER THEY THEMSELVES HAD NOT BEEN GUILTY OF THEFT AND ROBBERY!!!"

This petition for Mackcoull was, however, re-

fused by the court, and the matter, of course, lay over until the winter session. Our hero now made a kind of show of going to proof, and actually, by letters of incident diligence, examined some witnesses before the sheriff. Finding that it was impossible for him to elude a judicial examination, he summoned to his aid the whole stock of effrontery and impudence of which he was possessed: And when the Lord Ordinary was moved by the counsel for the bank* to name a day for his examination, Mackcoull's counsel not only acquiesced, but stated, "that the examination of the pursuer ought, under all circumstances, to be a PUBLIC EXAMINATION! That *he had been REQUESTED BY HIS CLIENT that it might be so;* and moved the Lord Ordinary to fix a day when his Lordship would allow the examination to proceed!" The Lord Ordinary accordingly appointed Mackcoull to appear at the bar, eight days thereafter, "at nine o'clock in the morning, to undergo a judicial examination upon the points as remitted by the court." This examination, however, did not take place until the 4th of March thereafter, it having been, it is believed, inconvenient for his Lordship to undertake it on the day appointed.

Mackcoull's process with the Paisley Bank, as may well be conceived, had excited a very great great degree of attention, as well among the gentlemen of the law as the citizens of Edinburgh; and at every hearing of the case, whether before the Lord Ordinary, or before the whole court,

* 12th February 1818.

immense crowds were invariably collected to hear the pleadings, at all of which Mackcoull attended in person—stood behind his counsel, and, in concert with his agent, assisted them with information. He always conducted himself with the greatest *sang froid* imaginable, and treated with contempt and derision the remarks that were occasionally made by the opposite counsel, on his character, or on the robbery of the Paisley Union Bank. When, therefore, his public examination was announced, the Parliament-house was so much crowded, that it was not without difficulty our hero and his counsel could reach the Lord Ordinary's bar. Far, however, from being dismayed, he exhibited the most unequivocal proofs of cool determination and effrontery. The first day's examination lasted from nine o'clock in the morning until two in the afternoon, when it was postponed until the 9th of the same month. On this occasion he objected to answering a leading interrogatory put to him by the counsel for the bank, which objection the Lord Ordinary sustained in the meantime, "reserving to himself the power, if he afterwards saw cause, however, to sustain that question:" but directed, if any further interrogatories were intended to be put, that they should be lodged in writing, in terms of the interlocutor of the court; which, after some arguments by the counsel for the bank, were accordingly lodged; and the further examination of Mackcoull took place on the 11th of March. As the declaration of our hero forms the principal feature in the law proceedings—as it was a kind

of *dernier résort*, and, indeed, the only expedient from which the bank expected to derive advantage in the way of evidence—and, as it elucidates many points in the proceedings before the Jury Court, we have inserted the same at full length, as well as the additional interrogatories which were put to Mackcoull on the 11th of March, at his final examination :—

"JUDICIAL DECLARATION OF JAMES MOFFAT, RESIDING IN EAST REGISTER STREET, EDINBURGH, IN PROCESS WITH THE PAISLEY UNION BANK.

"*March* 4, 1819.

"COMPEARED JAMES MOFFAT, *alias* MACKCOUL, pursuer, in presence of the Lord Gillies, Ordinary, and of the counsel and agents for both parties, in open court; who being interrogated by the defender's counsel, whether he arrived in Leith from London upon the 4th of March 1813; and if so, by what conveyance? declares, That he did arrive at Leith upon the 4th of March, or perhaps a few days before; and that he came by a smack of which he thinks the name was the Hope. Did he, on the said 4th day of March, purchase any drafts on London, from the branch of the British Linen Company at Leith; and if so, state what number of drafts he purchased, and to what amount, and to whom payable? Objected to the question, That it is totally incompetent; but the declarant is willing to answer it, if the drafts alluded to shall be produced to him for the purpose of refreshing his memory. An-

swered, That if the declarant feels himself unable to answer the question from any want of recollection, it is only necessary for him to say so, and that the answer will be taken down: That, in point of fact, the drafts, which are the subject of the present multiplepoinding, were given up to the Paisley Bank, by order of the magistrates; and the Paisley Bank thereafter, upon granting security to the banks from whom they were purchased, got back the amount, and delivered up the drafts. But the copies, No. 20. of process, have all along been held by both parties as authentic copies. Replied, The declarant is willing to answer according to the best of his recollection, and he hopes he will be correct; and the interrogatory being put to him, declares, That he did purchase a draft for £540, dated on the said 4th of March 1813, from the British Linen Company's branch at Leith, on Smith, Payne, and Smith of London, payable to James Martin; and this was the only draft he purchased on that day. But, on the following day, he purchased a similar draft for L.31; and also a third draft for L.420, from the Commercial Banking Company's branch, Leith, on Bruce, Sime, Freer, and Company, as he thinks, and payable in like manner to the order of James Martin. Interrogated, Whether, when he purchased said drafts, he went to the bank personally, or whether he employed any person to go to the bank to purchase them for him? declares, That he purchased the two larger drafts himself, but he sent a servant girl to purchase the smaller draft for L.31, as the declarant

was then at dinner, and the smack was getting under weigh by which he was to sail to London. Interrogated, Whether he paid for the said three drafts in gold or in bank-notes? declares, That he paid for them in bank-notes. Interrogated, What kind of bank-notes? objected, That the question is incompetent, but he is willing to answer it; and declares, That they were Scotch bank-notes of different banks, but there was not one note of the Paisley Bank amongst them, or of the Paisley Union Bank. Interrogated, What particular banks did all or any of the notes belong to? objected to, The question is utterly incompetent, but he shall answer it to the best of his power; and declares, That there were a considerable variety of notes, and he cannot specify the banks from which they had been issued. Interrogated, Whether the notes were generally of a considerable value? declares, That there was none of them higher than L.20. Interrogated, Whether there were any notes of the Royal Bank of Scotland of the value of L.100? declares *negative*. Interrogated, How long he had been in possession of all or any of the notes above mentioned? declares, That he had none of them in his possession before the said 4th of March. Interrogated, Whether there were any notes of the Glasgow Bank amongst these with which he purchased said three drafts? declares, That he rather thinks not; but he cannot speak distinctly from recollection on this point. Interrogated, How many notes there were of the value of L.20? declares, That he is unable, from recollection, to

return any answer to this question. Interrogated, From whom did he receive all or any part of the Scotch notes above mentioned? declares, That he received them from Charles Martin and James Harrison. Interrogated, Who these persons are, and where they resided at that time, and where they now reside? objected, That this and the preceding interrogatory are incompetent; but the declarant is willing to answer them; and declares, That Charles Martin is a merchant: That he was in Leith at the time mentioned in the interrogatory, though Leith was not then his fixed residence, *but he believes that he is now settled at Montreal:* That the declarant first got acquainted with him at Brussels: That his reason for believing that he is now at Montreal is, that this is mentioned in a letter which the declarant lately received from his brother in London: That on the 4th of March above mentioned, he believes that Charles Martin was domiciled at Bourdeaux, and that he was a general merchant. Declares, That James Harrison lived upon his money, and that London was his place of residence, though he was in Leith on the said 4th and 5th of March: that he is now dead: That he lived in a street near Fitzroy Square, but he does not remember the name of the street: That it is about three years ago since he died. Interrogated, In what house or place in Leith these two gentlemen resided upon the said 4th of March; and in what house or place the declarant met them, and received from them the notes

above mentioned? declares, That he does not recollect in what house or houses these two persons lived, but the notes which he got from them upon the 4th of March, he received in the Britannia Coffeehouse; and those which he got from them on the 5th of March, he received in the Ship Tavern. Interrogated, What proportion of the said notes he received from the one, and what from the other, of these two persons? declares, That he thinks he got from Harrison between £300 or £400, and from Martin between £600 and £700 of Scotch bank-notes; *and he got £1000 Bank of England note besides from Martin.* Interrogated, What value he paid to these two persons for the Scotch notes he so received? declares, That the value consisted of brandies, which they had bought from the declarant. Interrogated, Where and when the said brandies were sold to these persons, and when they were delivered, or ordered to be delivered to them? objected, That the proposed interrogatory is irrelevant and inadmissible, under the interlocutor of the court. Answered, That the interrogatory is proper, because it is asked in explanation of the preceding question, and necessarily arises out of it. The Lord Ordinary makes avizandum to the court, with the objection and answer. Whereupon the declarant stated, that he was ready to answer the question, and declared that he purchased the brandies in France, and sold them there to the persons above named, from whom he received bills for the amount, in payment of which bills the notes above mentioned

were given. Interrogated, When and where those bills were made payable? objected, That any farther questions in regard to these bills are irrelevant, when the declarant has stated, that the value which he gave for them was in brandies. The Lord Ordinary repels the objection. Declares, That the bills were drawn payable in London, and that they were one day past due when the declarant received the money? Interrogated, How he happened to have these bills upon him at the time above mentioned, and how the two accepters happened to be at Leith, and prepared to retire their acceptances there? declares, That he received a letter from them in London, informing him that they were to be in Leith at the time, and begging him not to present the bills for payment in London. Interrogated, Whether he has the said letter? declares, that he does not think he has preserved it, but that he will search for it; and produce it if he can find it. Interrogated, If, at the period in question, he carried on the trade of a brandy merchant, and if so, where he was then settled as such? declares, 'That he dealt in foreign spirits at the period referred to, but he had not at that time any fixed residence. Interrogated, If he keeps any books, and made any entries in his books regarding the above transaction between him and Martin and Harrison? objected, That the proposed interrogatory is irrelevant, as, under the interlocutor of the court, the declarant was to be examined only upon matters specially applicable to the bills in dispute; but the de-

clarant is willing to answer it; and declares that he keeps books, but they contain no entries as to this transaction, as, in consequence of a sudden rise in the price of that article, he sold the brandy in question within two days after he purchased it. Interrogated, Do his books contain any entries of the price which he himself paid for the brandies, and how did he pay for them? declares, That his books do not contain the entries alluded to, and that he paid for the brandies in French money. Interrogated, If he can mention the name of any person in Britain now alive, who was acquainted with Harrison, or is acquainted with Charles Martin? declares, That he can name many persons who were acquainted with him: That the partners or officers of the Commercial Bank, and Leith Bank, must have known Harrison; and William Robson, a watch-case maker, lately near Barbican, in London, knows Martin, but the declarant does not know where the said William Robson now lives; and declines to make any further answer to the interrogatory, as his doing so *might lead to rude inquiries, disagreeable to the feelings of those at whom the inquiries were addressed.* Interrogated, In what respect would his mentioning the name of one of the many persons now alive who were acquainted with Martin, be hurtful to the feelings of that person, or to those of any other? objected, That the question is in the highest degree irrelevant and incompetent; and the declarant declines to answer that or any such questions. Interrogated, and desired to explain how the partners or officers of the banks before men-

tioned, are, to his knowledge, acquainted with Harrison, and what particular year or years he alludes to? objected, That the question is incompetent; and the declarant declines to answer it; and the defenders may inquire at these parties who have been pointed out, as to their knowledge of the persons there alluded to; but the declarant is willing to answer any interrogatories that may be put regarding these bills, and generally, in regard to his own affairs in connexion with these bills. Interrogated, and desired to mention the name of any person or persons in London, who knew Harrison or his place of residence? objected, That this question has been already sufficiently answered, when the declarant mentioned, that the individual alluded to was known to the Leith Bank, and the individuals connected with it. Interrogated, Whether he knows, or has any reason to believe, that all or any of the notes with which he purchased the drafts in question, were the property of the Paisley Union Bank, and formed part of a large sum of which they are said to have been robbed in July 1811? declares, That he does not know; and that he has no reason to believe that any of the said notes belonged to the Paisley Union Banking Company, or that they formed part of the sum of which that bank is said to have been robbed. Interrogated, Who is James Martin, to whom the drafts in question were made payable, where did he then reside, and what was his business? declares, That James Martin is a merchant, and resided in lodgings in Swallow Street, London, at the period alluded to: That he does

not recollect the number of the house in which he lodged, or the name of the person to whom it belonged, but he believes said person was a relation of Martin's; but Martin, he believes, *now resides at Berne in Switzerland:* That Martin, so far as he knows, is now a cloth merchant. Interrogated, On what account did he take the drafts payable to James Martin? declares, That Martin has been his intimate acquaintance and correspondent for thirty years, and was connected in business with the declarant; and this was the declarant's reason for taking the bills payable to him. Interrogated, Whether Martin had paid any value for the said bills? declares, That Martin and he have had transactions to the amount of £100,000; and that the amount of the bills was in payment of the *balance due to Martin at this time!* Interrogated, Was it the exact amount of the balance, or payment to account? declares it was to account. Interrogated, Were the large transactions with Martin now mentioned, entered in the declarant's books? declares that some of them are entered in the declarant's books, and some of them were entered in Mr. Martin's books, by the declarant, who left his own books with Mr. Martin: That this arose from the intimacy betwixt him and Martin, from their connexion in trade, and from their mutual confidence in each other. Interrogated, If he has any objections to procure his own books from Martin, and to allow extracts to be taken from them, under the authority of the Lord Ordinary? declares, That he knows the Paisley Union Bank too well, to be willing to trust them

with the inspection of his books: and that he has no doubt that Mr. Martin would willingly lay the books in question before the court, if the court, or any other party were to desire him; yet he does not believe that Mr. Martin would transmit them to this country, if he were informed that it was at the desire of the Paisley Union Bank that they were to be so transmitted, *from whom the declarant has suffered so much injustice!* Interrogated, Upon what pretext Martin could refuse to transmit the declarant's own books, provided he (the declarant) required Martin to send them to this country? declines to answer farther this interrogatory.

"*At Edinburgh, the 9th day of March* 1819 *years,*

"AGAIN compeared the said JAMES MOFFAT, *alias* MACCOUL, pursuer, in presence of the Lord Gillies Ordinary, and of the counsel and agents for both parties, in open court; who being again interrogated, If the declarant has any other books than those in the possession of James Martin? declares, That he had other books, but that these books were seized and taken possession of by the Paisley Bank, or its agents, in London, together with a sum of money consisting both of Scotch bank-notes and Bank of England notes; and also, of a bank bill of Sir William Forbes and Company, on Kensington, Steyne, and Company, for £50, payable to Mary Reynolds, and this happened in spring 1812, to the best of the declarant's recollection; and the books above men-

tioned are still retained by the Paisley Union Bank, or its agents, and the declarant has never seen them since the time that they were seized. Interrogated, Who were the persons that did so seize and take possession of the declarant's books and money? declares, That the persons by whom his books and money were seized, were the officers of police, belonging to Hatton Garden; and the same officers arrested the declarant, and made him a prisoner at the same time: That the books, as the declarant understood at the time, were handed over by the said officers to a Mr. Houston, then agent for the Paisley Union Bank in London, as he believes: That the names of the officers above mentioned were George Wood, William Reid senior, and William Reid junior; and the declarant desires to add, that the books which were then seized, showed that the money which was seized along with them was his lawful property, or had come lawfully into his possession. Interrogated, What number of books was then seized, and to what years did they relate? declares, That the books which were seized were small memorandum-books, which he kept about his person, and were two, three, or perhaps four in number, and related to the years 1810, 1811, and 1812, as he thinks. Interrogated, What was the nature of the transactions entered in those books, and if they related exclusively to his gin and brandy concerns? declares, That said books related to his transactions generally; and further the declarant cannot answer the interrogatory. Interrogated, If they contained any entries rela-

tive to the brandy he sold to Martin and Harrison? declares, That they did not. Interrogated, If he made any entry in any book or memorandum-book of the money which he received at Leith from Martin and Harrison? declares, That he dare say he did. Interrogated, What book he refers to, and where it now is? declares, That he thinks it was in a memorandum-book for the year 1815, which he thinks is now in the hands of Mr. James Martin, but he is not sure. Being requested to write to Mr. James Martin, to transmit to him all his books. Interrogated, If he is willing to do so, for the purpose of the books being put into the hands of the clerk of the process? declares, That he has no objection to write to Mr. Martin, as desired; but he is sure that Mr. Martin will not pass the books out of his hands. At this stage of the declaration, the declarant was requested to write to Mr. Martin to the effect mentioned in the former interrogatory, and to produce Martin's answer in the hands of the clerk of process; and the declarant agreed to comply with the above request. Interrogated, If he has made search for the letter, which he says he received at London from Leith, from Martin and Harrison, desiring him to come to Leith, when they would retire their bill to him? declares, That he has searched for it, but has not been able to find it. Interrogated, What reason did those persons assign, in said letter, for not retiring their bill in London at the house where it was made payable? declares, That the reason they gave was, that they knew he was coming to

Scotland, and that therefore it would answer the purposes of both parties better for them to pay the money here. Interrogated, Did he ask, or did they explain to him the business which brought them to Leith? declares, That he did make the inquiry alluded to, and learned that they were on their way from Bourdeaux to Hamburgh upon business, and that they came by Leith, where they met the declarant by appointment: That the appointment was made in letters from Bourdeaux and Dublin. Desired to produce them; or if he has them not, to search for them and produce them. Declares, That he will search for them, and produce them if found. Interrogated, What month and year he was in France purchasing brandy, as formerly mentioned by him? declares, That it was in the latter end of the year 1810, as he thinks, and that he has been in France several times since. And being interrogated? declares, That the bills which Harrison and Martin paid at Leith were drawn payable at Martin's lodgings, in Swallow Street. Interrogated, What quantity of money and of Scotch bank-notes were taken from him by the officers belonging to Hatton Garden, at the period before mentioned? declares, That there was about £200 of money in all, including about £30 in Scotch bank-notes, all which money was returned to him, but the books never were. Interrogated, Why the declarant purchased three bills instead of one bill, in remitting the money from Leith to James Martin? declares, That he received the money in different

sums, and upon different days; and this was the reason of his purchasing different bills. Interrogated, Why he did not purchase all the three bills at the same bank? declares, That it suited his convenience so to purchase them; and in walking along the streets, he naturally went to the bank which was nearest him. Interrogated, Whether, upon any former occasion, he purchased a bill on London from the branch of the Commercial Bank at Leith, taken payable to the said James Martin? declares, That he has no recollection of having purchased such a bill. Interrogated more particularly, Whether, on the 5th of August, 1812, he did not purchase *a draft on London from the Commercial Bank, for £300, payable to the order of the said James Martin?* declares, That he does not think he did: That he has purchased many bills from the Commercial Bank, but none answering the above description, so far as he recollects: That the declarant has had occasion, in the course of his life, to purchase so many bills, that he cannot speak with certainty as to his not having purchased the bill mentioned in the interrogatory. Interrogated, Where did he reside at the period of his connexion with James Martin, and when he had transactions with Martin to the amount of £100,000? declares, That he resided chiefly in Hamburgh, No. 327, at the Grosse Bleichen, where he carried on business under the firm of James Moffat and Company; and that he lived there five years prior to the capture of the town by the French in the year 1807. Interrogated,

Where has he resided and carried on business since? objected, That the proposed question is irrelevant; but the declarant is willing to answer it; and declares, That he has been chiefly resident in Scotland, but has been occasionally resident on the continent, and in London. Interrogated, and desired to name any one or more persons in Great Britain or Switzerland, who are acquainted with James Martin, declares, That James Martin did business with a man of the name of Hardie, or Harvey, in Leith: That he does not know whether the said Hardie, or Harvey, be now alive: That he lived near the Shore in Leith; and Charles Martin told the declarant, that he had sold him a quantity of hams. Declares, That he can charge his memory with the name of no other person who knew James Martin; and he will not, as he does not feel himself at liberty so to do, for the reasons formerly assigned in his answer to an interrogatory relating to Charles Martin. Interrogated, Whether, after his examination before Robert Johnston, Esq. one of the magistrates of Edinburgh, when the bills or drafts in question were put under the charge of Mr. Alexander Callander, the depute town-clerk, he (the declarant) wrote any letter to James Martin, to account for these bills not coming forward? declares, That he wrote a letter to Mr. Martin, which letter was dated at Brussels, and addressed to Martin at Paris, in January 1815, and which letter was carried by Mr. James Avers. Interrogated, Whether, in the interim, Martin made any complaints in not receiving the

money in drafts from Leith? declares, That Martin made such complaints, and came from Paris to Brussels in order to make them. Interrogated, If Martin was previously informed by the declarant, that the declarant was to remit money to him from Leith? declares, That he was. Interrogated, Whether Martin has been informed that the declarant is now seeking to recover, in his own name, under the actions in Court, the proceeds of the bills in question? declares *affirmativè*. Being desired to explain in what manner this was notified to Martin, declares, That it was notified to him personally at Brighton, Brussels, and Edinburgh, and London, in the years 1814, 15, and, he believes, 16 also. Interrogated, In what house in Edinburgh did James Martin reside when he was here? declares, That he resided at the Black Bull, on Leith Walk. Interrogated, In what month and year James Martin was in Edinburgh, and how long he remained there? declares, That it was about two years and a half ago when James Martin was in Edinburgh; and that he remained here about three days, and passed by his own name. Interrogated, Whether, at his examination before Mr. Johnston, he voluntarily delivered up all of the three bills in question? objected, That this, and all interrogatories touching the conduct of the declarant after he was apprehended, are irrelevant; but the declarant, anxious to show the Lord Ordinary and the court that he is willing to make a full disclosure of his affairs, does not decline to answer them; and declares, That he did not

voluntarily surrender these bills, but that they were forcibly taken from his person. Interrogated, Were all those three bills in his pockets, or were any of them concealed in the lining of his waistcoat, or any other part of his dress? declares, That they were taken forcibly out of his waistcoat pocket. Interrogated, Whether he was in Glasgow in the months of June or July 1811? declares, That he was. Interrogated, Where he resided? declares, that he resided at Mrs. Stewart's, near the Broomielaw. Interrogated, Did any other person or persons, known to him, then reside in the house of Mrs. Stewart? declares, That he had no previous acquaintance with any of the lodgers in said house. Interrogated, Whether he then took his own name? declares, That he did, and that he was known by the name of James Moffat. Interrogated, If a person of the name of Huffey White then resided in the house of Mrs. Stewart? declares, *That he never knew any such person!* Interrogated, If any two persons of the name of Stone and Down then resided there? declares, That they did. Interrogated, If he was acquainted with these persons, and messed with them? declares, That they dined together at the same mess. Interrogated, How long did these persons and the declarant remain at Mrs. Stewart's together? objected, That the question is totally irrelevant and incompetent; and that the declarant, having so long been harassed by an examination *so tedious and so little to the purpose*, will not answer this or any other question that may be put,

without having the opinion of the Lord Ordinary, that he is bound to answer it. The Lord Ordinary sustains the objection to this interrogatory; and if any further interrogatories are to be put, ordains the same to be lodged in writing, in terms of the interlocutor of the court, to which, so far as it regards this point, the Ordinary does not recollect that his attention was previously called, otherwise he would have given the order which he has now made, previous to the commencement of the examination. Whereupon the counsel for the Paisley Union Bank (Mr. William Erskine) stated that he now wished to make an answer to the above objection; and, in answer thereto, submitted in general, that, according to his humble idea of the import of the judgment of the court, every question specially applicable to the fact of the money with which the bills were purchased being the property of the Paisley Union Bank, was competent, whatever might be its consequences: That the interrogatory now objected to, and those which it is the intention of the defenders still to put, are applicable to the fact at issue; and that, in so far as they can judge, they do not implicate the declarant's character. The Lord Ordinary, having considered the foregoing answer, of new ordains interrogatories to be lodged in writing; a mode of proceeding which should have been adopted from the beginning, and which the Lord Ordinary was prevented from following, by both parties having concurred in proceeding without previous interrogatories in writing; and the Lord Ordinary

makes this order without prejudice to the bank inserting, *inter alia*, the interrogatory now objected to; and reserving to himself the power, if he see cause, still to sustain that interrogatory.

"*At Edinburgh, the 11th day of March 1819 years,*

"AGAIN, compeared the said JAMES MOFFAT pursuer, in presence of the Lord Gillies Ordinary, and of the counsel and agents of both parties, and, in answer to the first of the additional interrogatories lodged in process, declared, That they lived together at Stewart's house, about four or five months; but the declarant went to London, and returned, leaving them in Glasgow, and the interval of his absence in London is not included in the above period. To *the second interrogatory*, he answered, That he spent very little of his time with them, except at meals; and, in particular, he does not think he ever went a-fishing with them. To *the third interrogatory*, declares *negative*. To *the fourth interrogatory*, it was objected, That it is irrelevant, as not specially applicable to the bills in dispute. The Lord Ordinary repels the objection, in respect that the interrogatory, though it does not apparently relate to the bills in question, may be proper as an introduction to other interrogatories that do so. And the question being put, declares, That he left Glasgow in July 1811, about the 8th or 9th of the month, though he cannot recollect the particular day; but he thinks it was on a Sunday morning: That he travelled in a post-chaise with a pair, not be-

ing able to get a seat in the coach, there being only one coach, as he thinks, which leaves Glasgow on Sunday: That he was not accompanied by Stone and Down, but two gentlemen were with him, one of whom was named Anderson, or Henderson, and the other was a person whom the declarant recollected to have seen at Leipzig; that these two persons conversed together in the German language, which the declarant understood: That the post-chaise was engaged by Anderson, or Henderson. To *the fifth interrogatory*, declares, That they went to Edinburgh. To *the sixth interrogatory*, answered, That he has no reason to know, or to believe, that the persons who went by the names of Stone and Down, also went by any of the other names mentioned in this interrogatory. To *the seventh interrogatory*, answers, That he does not think he ever received a bank-note of any description from either of the persons mentioned in the interrogatory. To *the eighth interrogatory*, answers, That the body of the promissory-note alluded to, is of his own handwriting, as is also the signature, 'James Moffat.' To *the ninth interrogatory*, answers, That he did not deliver the said promissory-note, with Ann Wheeler's indorsation on the back, to Mr Andrew Templeton. And, in explanation, the declarant desires to state, That, when he was in prison at Glasgow, he had the said promissory-note in his possession, which at that time had neither been delivered to, nor indorsed by Ann Wheeler. That Templeton, and Alexander Macgregor, who was the declarant's agent, came to visit him

in prison; and the declarant having showed them the said promissory-note, in the course of conversation, Macgregor, after leaving the prison in company with Templeton, returned to it, and took the said promissory-note out of the declarant's hand; and the declarant never saw it afterwards, until it was produced in process: That Macgregor, when he returned to prison as aforesaid, asked to see the promissory-note, and the declarant having given it to him, that he might look at it, he put it into his pocket and carried it off with him, refusing or declining to give it back to the declarant, who asked it. To *the tenth interrogatory*, answers *negativè*; which rendered it unnecessary to put the eleventh interrogatory. To *the twelfth interrogatory*, answers, That he did raise an action against Harmer, with the view to the recovery of a sum of money, which Harmer had received from the declarant's mother: That the sum amounted to about 8 or £900: That the declarant was successful in the said action, and had costs awarded him: That a reference was made, as to the amount of the sum which he was entitled to receive, Mr. Harmer having brought forward counter-claims, and the balance found due, on the reference, to the declarant was between 2 and £300, including costs; which sum the declarant actually recovered. The counsel for the defenders here proposed to put the following additional interrogatory to the declarant, viz. Whether Harmer alleged that he had authority from the declarant to pay the sum in question, or any part of it, to the Paisley

Union Bank, and that he had done so accordingly? declares, That the declarant left the action to be conducted by his attorney, John Daniel Kiss, Gloucester Buildings, London, and does not know or recollect what pleas were stated by the defendant. All which he declares to be truth.

"*March* 11, 1819.

"ADDITIONAL INTERROGATORIES TO BE PUT TO JAMES MOFFAT.

"N.B.—*The questions previously put, are made applicable to June and July* 1811.

"1. How long did you, and the two persons who went by the names of Stone and Down, reside at Mrs. Stewart's house at this period?

"2. Did you spend much of your time with them while you were in Glasgow?

"3. Did you, in course of this period, hear that the Paisley Union Bank office in Glasgow had been broken into and robbed?

"4. Upon what day in 1811 did you leave Glasgow? How did you travel? Were you accompanied by Stone and Down, or any other person?

"5. Where did you go to?

"6. Have you any reason to know or believe that the persons who went by the names of Stone and Down, also went by the names of French and of Houghton, *alias* Huffey White?

"7. Did you receive from either of these persons any bank-notes, which you had reason to believe or suspect were the property of the Paisley Bank?

" 8. Is the promissory-note for £400, by you to Ann Wheeler, produced in process, of your hand-writing?

" 9. Did you deliver it, with her indorsation on the back, to Mr. Andrew Templeton, and what was your reason for doing so?

" 10. Did you authorise any person in London to pay £1000, or any other sum, to the Paisley Union Bank, or any person connected with them?

" 11. If you did, state what sort of money you impressed, or caused to be impressed into the hands of the person so employed, to make that payment?

" 12. Did you bring any action against Mr. James Harmer, attorney in London, relative to a sum of money he had received and paid away on your account to the Paisley Union Bank?"

Had not Mackcoull been a man of very great nerve, he never could have conducted himself in the way he did, during this long and tedious examination. Instead of being abashed, when his absurd and improbable responses created a laugh in the crowd that was collected, he looked around and seemed to smile with satisfaction; and, in place of shrinking from, or appearing in any way puzzled by the questions put to him by the very able counsel for the bank, he looked them boldly in the face, and objected to many of their interrogatories (as appears from the foregoing examination), with all the nicety and acuteness of an experienced lawyer; while his an-

swers to others were given with that kind of sarcastic grin which was peculiar only to Cooke in Richard III. He is even at times witty; and, as we have before observed, describes his friend Harrison, in the first day's examination, as a MERCHANT, residing in a street in London *near Fitzroy Square*, with whom he had *several transactions in brandy!* He also stated that he was well known to the Commercial and Leith Banks; but, on inquiry, no such name was found in the books of these establishments. He declares that his fictitious friend, James Martin, in 1813 resided in *lodgings in Swallow Street*, London, but he did not recollect the number of the house, or to whom it belonged. This was an artful answer, although it escaped the notice of the counsel for the bank: Swallow Street, long previous to his examination, had been nearly all removed to make way for the improvements that have been made in that quarter of the metropolis. He afterwards says that his friend Martin, "he believes, now resides at Berne, in Switzerland; and, as far as he knows, is a cloth-merchant." On application, however, to the police of that town, *it has actually been ascertained that no alien* carried on business there as *a cloth-merchant*, neither did any person of the name of *Martin* reside at Berne; but this species of evidence the bank found it unnecessary to bring forward. At the commencement of his second examination, he admits that a bill for £50, in favour of Mary Reynolds (the prostitute with whom he lived), was taken from his person by the Hatton Gar-

den officers in spring 1812, which proves that, instead of the "*West Indies*," he had been in Scotland vending the notes. The memorandum books which were at that time taken from his person, were returned to him by Wood the officer when he obtained his liberation from Glasgow jail. During the second examination, he also declares, "that, *in the latter end of the year* 1810, he was in France purchasing brandy;" but we have distinctly shown that our hero was, at that very period, *at hard labour in the Castle of Chester, as a rogue and vagabond!* He asserts that "his friend, James Martin, did business with a man of the name of Hardie, or Harvie, who lived near the Shore in Leith: That he does not know whether the said Hardie, or Harvie, be now alive: But (his other fictitious friend) Charles Martin told him that he had sold him a quantity of hams." Mr Denovan, on being applied to, ascertained that there was no merchant of the name of Hardie, or Harvie, who lived near the Shore of Leith, and dealt in hams; but a person of the name of Thomas Hardie, who died in 1817, kept a public-house at the New Quay; and that Mackcoull had been in this house, treating the mate and crew of the Caledonia London smack, on the evening of the 4th of March, on which day Mr. Hardie had received, from a friend in Ireland, a quantity of hams to dispose of. This was, however, out of his line of business, and he transferred the sale of them to a merchant. The entrance to the house, at the time Mackcoull called, was so much ob-

structed, that he had actually to tread over them. The widow of Mr. Hardie not only recollected the circumstance well, but, on being questioned as to Mackcoull, said, she could recognise him if she saw him; for, independent of being "*a curious man*," she observed him, the evening *after* he was in her house, walking with Mr. Denovan to the Police Office; and, being apprehensive that he was in custody, she asked her husband to make inquiry at some of the officers, and learned that he had been apprehended by Mr. Denovan for robbing the Paisley Bank; and she has often seen him in Leith since that time. She examined her late husband's books, which, for many years previous to his death, were kept by herself, and ascertained that he had never had a transaction with any person of the name of Martin. Had Mrs. Hardie been a stranger to her husband's affairs, this assertion of Mackcoull's, as Hardie himself was dead, might have passed for truth, for she could hardly have forgotten the consignment of hams, although she might not know from whom they were received. During his final examination, he tells a most palpable falsehood as to the indorsation of Ann Wheeler on the promissory-note for £100. He also asserts, what is equally false, that it was carried away by Mr. Alexander Macgregor, a respectable law-agent in Glasgow, contrary to his wish: The truth of the matter is, that Ann Wheeler, his sister, who, as we have before observed, was an abandoned character, died in 1817; and, as he knew he might do it without fear of detection,

he actually produced in the process a written declaration by his sister, denying that she indorsed the promissory-note! We are credibly informed, however, that the deceased Mrs. Ann Wheeler *never could write;* and we firmly believe, the promissory note itself, as well as the indorsation thereon, were manufactured by Mackcoull himself. He turned the death of his mother to advantage with his London agent, Mr. Harmer; and there could be no harm in trying a similar experiment with his Glasgow agent, on the death of his sister!

As the session rose the day after Mackcoull's final examination, he went to London in very great spirits, to arrange with his brother John as to the letter he had promised, during his examination, to write to his friend Mr. Martin, about his books, and to produce and lodge such answer as he might receive from him, in court. This was a job completely in Jack's line of business; for, independent of natural abilities, he possessed a superior education, and, as was proved on the trial, could write several hands.

Mackcoull, conscious that he had said nothing, in his declaration, to criminate himself, and impressed with a firm belief that the bank could not, at such a distance of time, establish his guilt, flattered himself with obtaining a complete victory over his opponents. He went from one public-house to another, treating all his old acquaintances who remained friendly to him; and, at one house in particular, in Tottenham-court Road, which had been kept by a person of the name of

Joe Blakeman, he gave a kind of route to his flash friends.*

At the close of every session, Mackcoull went regularly to London by sea, and returned in the same manner when the court met. On these occasions he was to be seen every evening in Blakeman's, surrounded by trades journeymen and apprentices, by whom he was looked upon as a little king: He would sit the whole evening drinking a mixture of porter and ale, called *half and half*, and smoking his pipe; and the quantity he did drink is almost incredible. He was extremely generous to his companions, and kept the whole company laughing at his coarse witticisms, or *metaphors* as he used to call them, and his descriptions of Scotch bailies, lawyers, and bankers, of whose faces and figures he produced several sketches (which he said were taken by his friends in Edinburgh), with the most ludicrous names and epithets that could be devised; and against all of whom he denounced vengeance and public exposure.

A gentleman, who has furnished us with much information for this work, had the curiosity to venture occasionally into this assemblage about four or five years ago, and saw our hero one evening exhibiting a caricature of one of the Edinburgh bailies in the character of a grave-digger, with a long beard, having the key of the

* It is believed that this Blakeman and his wife (who are since dead) were also, at one time, employed to vend a part of the bank paper.

church-yard in one hand, and a spade in the other. The subject of the picture had been discussed before our friend entered the room; but he heard Mackcoull say the likeness was striking, and that the engraving had been executed *at his expense*, out of pure love and kindness to the original. "This, gentlemen," added Mackcoull, "to use a metaphor, is the outline of a *fruitful* bailie; but, look here now," drawing another sketch from his pocket—"here is a very pretty sketch of a *barren* bailie: for my friends in the north have two kinds of them, and the latter are by far the most expeditious on the bench—of which you will all be convinced on hearing the following facts, of which I was an eye-witness, and which induced me, on the following day, to return with a friend, and take this very sketch:—

"Happening to be in a certain sea-port town in Scotland, not fifty miles from the metropolis, I perceived a great crowd collected at the Town-house, and, curious to know the cause, as I had often done before, I stepped in, and saw my friend here, the little bailie, with his large cock'd hat projecting over both shoulders, his gold chain, as in the picture, exposed in front, and an immense black mantle or cloak covering his pretty person, like the dirty old story of *who wants me?* He was sitting on a raised bench, and beneath stood Deuteronomy the clerk, with a pen stuck above his ear, and both hands in his pockets, like a Dutch skipper selling fish at Billingsgate. Opposite to the bailie, and at a kind of bar, stood a clown charged with stealing the wheels from a one-horse

cart. The fellow, it seems, lived at some distance in the country, but having come to the town with goods, and observed a number of carts standing at the end of a street or lane, with excellent new wheels, he determined, as his wheels were very bad, to help himself to a pair of better ones at the expense of his neighbours. Having therefore got quit of his burden, he hastened with his horse and cart to the stance, and, without further ceremony, exchanged his old wheels for a pair of the newest and best he could find. He then drove homewards, but unfortunately, having been eyed in his operations, he was followed by a parcel of carters, brought back for a distance of six or eight miles, and placed at the bar of this tribunal.—The theft was clearly made out, but the bailie was puzzled how to apply the law: at length, after rubbing the under part of his long arithmetical face, and whispering to the clerk who looked very wisely, and nodded assent, he pronounced sentence; ordaining the said thief to carry back the said wheels and replace them on the cart from whence he stole them, within twenty-four hours; with certification if he failed so to do, that he (the bailie) would send him to Bridewell for a month! The thrifty carter was therefore discharged on a promise to give immediate effect to the sentence. The person from whom the wheels were stolen, however, appeared to be much dissatisfied, and muttered something about punishment for thieving, and the expense for whisky he had been at in apprehending the thief; but the knight of the whip was silenced by a surly

grunt from the clerk, who desired him to sit down and wait until the court was over, which he complied with; but found, to his astonishment, that the industrious thief had disappeared, wheels and all—and never was again seen or heard of! Hardly had this case been decided, when another, as the clerk observed, *exactly in point*, came before the judge. A rough, unpolished stone-mason was placed at the bar, charged with stealing lead from the top of a house. He had been employed to repair the chimney-top, and, on coming down, reflecting that he might not be very well paid for the job, he carried with him a great part of the lead from the roof, which he had unguardedly offered for sale, and was detected and brought before his betters. Stone-masons," Mackcoull observed, "were the greatest clowns of all other mechanics in Scotland, being almost in a state of nature; and this thief," added he, "without making any kind of defence, stood gaping, with his mouth wide open, at the bailie, and, with his hands twisting round the brim of an old brown hat he held before the under part of his face, waited in silence the awful sentence. Here, however, the *learned judge* was at no loss, having a precedent before him, and he accordingly ordained the said thief to carry with him the said lead, and place it on the roof from which it was taken, with certification, if he failed so to do, that he would be sent to Bridewell! This was pronounced with peculiar emphasis, and taken down in writing with great solemnity. But the honest mason, like the carter, saved the bailie

the trouble; for he left the 'good town,' lead and all!" After the company had laughed heartily at the expense of the little bailie, Mackcoull sarcastically observed, That there was more in a Scotch *barren* bailie than they conceived; for, as they would perceive from the pictures, that they had long faces, they had also, he said, long heads. Their system, he observed, was excellent; they studied, as the little bailie had done, to make thieves honest, by *ordaining* them to do what was proper; and, if they were so foolish as not to take the hint, and come in the bailie's way afterwards, he then sent them for a month or two to the *boarding-school*, to learn their business better, and to be more circumspect in future. This system, he said, afforded daily proofs of its excellence—the rapid progress that young men in the North made in *family-matters* and *knowledge*, was admitted everywhere. "These bailies," he continued, "are a thinking, saving set of men: their frugality and economy, you see, extends from their brose to the bench; and, like their bankers, they know the value of money too well, to throw it away in flogging, pilloring, or hanging thieves." He alleged that he had often insulted the Edinburgh bailies in the public streets, but they pocketed the affront *for the sake of saving*; and that when his law-suit with the Paisley Union Bank was at an end, and which he was sure was to terminate 'as it ought,' he would favour the world with biographical sketches of sundry Scotch judges, bailies, and bankers, interspersed with so many rich anecdotes, that the

work would be quite a treat to his friends in the South: He said he was then preparing the materials, and, by way of appendix, meant to subjoin the lives and characters of the principal *thief-takers* at Bow Street, Hatton Garden, &c.

He generally passed the whole evening, amusing the low and illiterate company with whom he associated, with ridiculous stories of this kind. He was either sarcastically witty in his own opinion, or violent in his abuse of those with whom he was at law. His time, indeed, was spent much in the same way in Edinburgh. He frequented a public house or tap-room in East Register Street, where he generally sat from morning to night, drinking beer and smoking tobacco. Here he also associated with trades journeymen and apprentices, whom he amused and treated in the same manner as in London; and, so very unguarded was he in his conduct, that his abuse of our judges, magistrates, and bankers, was even carried to a still greater height than in London. By the death of Harrison, which happened in 1816, he lost a very valuable instrument for his purposes. It is thought by many, that, had Harrison lived, he would have personated the *soi-disant* Mr. James Martin, the merchant, with whom he had "transactions to the amount of £100,000." He placed much more confidence in Harrison than in his own brother, who, until lately, was never intrusted with a sixpence belonging to him. Indeed, he generally kept Jack at staff's end; and, if he either gave or lent him money, he took care to get an equivalent to his satisfac-

tion. On one occasion, when his brother was very much pressed for money, he called on our hero, and intreated the loan of twenty pounds. Mackcoull told him he had then nothing but large Scotch bank-notes; but if he would go to the house of Sir Richard Carr, Glyn & Co. bankers in Mincing Lane (the agents for the Paisley Union Bank), and smash a £100 Bank of Scotland note, he would lend him the money. Jack assented, and away they went together (for our hero would not intrust his brother with the note); but, when they drew near the bankers', Jack's courage failed, and he returned it to James, observing, that, after considering the matter coolly, he could not think of exposing himself to such imminent danger for a trifle: "Well," said our hero, "since you won't do it, I must; for I am poor, and poor people should stand at nothing:—wait there till I come to you." So saying, in he went, and having obtained Bank of England notes in exchange (with the deduction of a trifling commission), he came stalking out of the bank, in the most consequential manner, deliberately putting the notes into his pocket-book. Jack met him with a smile, and congratulated him on his good-luck, but recommended that they should *brush* as fast as possible; for, should the bankers discover the note to be stolen (which they might do from the list published by the Paisley Union Bank, and circulated through the country), they would send and have him taken into custody; but Mackcoull laughed at his brother, and told him, that the Paisley Bank had

had enough of him already; and he dared them to lay a finger on him. When they reached St. Paul's Church Yard, Jack told our hero he must bid him good b'ye, as he had to go to Barbican, and wished to know what he could give him. "What!—give you!" said our hero, "have not I given you a walk to sharpen your appetite for dinner, and a good lesson into the bargain—such a one as the brokers in 'Change Alley would make you pay smartly for; namely, that a poor *money-dealer* can never do any good until he makes a *smash!* So, good b'ye t'ye—as you would not do the one thing, you shan't have the other;" and off he walked, to the no small mortification of his brother.

After the death of Harrison, however, he found it absolutely necessary to have recourse to his brother's assistance; and we are credibly informed that, since that period, almost every paper in his process with the bank, was sent to London and submitted to his brother's revisal before it was lodged in court; and that he, in his turn, took care to be paid for his trouble.

In January 1819, our hero addressed a very singular letter to Lord Sidmouth, a copy of which will be found in the appendix. In the framing of this letter, we incline to think he had been assisted by his brother John, who generally came to London and met his brother on his arrival there, at the end of each session. He was the only person with whom the promised correspondence with Mr. James Martin could with safety be managed; and Mackcoull went to London in the spring of 1819, to have that and other matters

arranged. During the summer session he produced in court what he called the copy of a letter to Martin, and Mr. Martin's answer, bearing the Brighton post-mark, and annexing his address "at the Apollo Library, Worthing," to which the opposi e party, or their agents, might write him regarding his books, if so inclined. Neither the bank nor their agents were then aware that Mackcoull's brother lived at Worthing; and they had no suspicion of what was afterwards proved to be the fact, that the letter from Brighton, which is only fifteen miles from Worthing, was written by John Mackcoull. Both the copy of the letter to Martin, and Martin's answer, are evidently of our hero's own composition; for, independent of gross absurdities, his expressions in speaking of our magistrates are nearly the same with what we have already quoted. But we forbear making any further remark on these letters at present, as they will be given at full length in the trial before the Jury Court. Mackcoull also produced a few letters addressed to him by the name of Moffat while at Hamburgh; some trifling bills of exchange drawn by James Moffat & Co.; and one or two passports for himself, his wife, and his counting-house clerk *Wisler* (alias *Whistler*), for the purpose of establishing that he resided at Hamburgh during the years 1802, 3, and 4, as a merchant. Mackcoull had now become perfectly confident of success: he urged his counsel to accelerate the proceedings, and bring the matter to an issue before the Jury Court, being satisfied that the bank could neither adduce evidence of the robbery hav-

ing been committed by him, nor prove that the bills in question were purchased with notes stolen from their office. As the bank could not well oppose this measure, the cause was transferred to the Jury Court; and both parties were, in consequence, occupied in collecting evidence, when the Court of Session rose in July 1819, without the smallest step of any consequence having been taken during the whole of the summer session.

The Paisley Union Bank, finding it impossible to obtain any satisfactory proof in Scotland, dispatched a gentleman of the law to England, who made considerable exertions in their behalf, but returned without being able to effect his object. The winter session commenced,* and Mackcoull was importunate: He saw the absolute necessity of improving his advantage, by immediately bringing the matter to an issue. He knew, as well as the bank did themselves, the situation in which they stood. The gentleman whom they sent to England, had, when in London, applied to people who privately communicated with John Mackcoull; and his whole proceedings were, consequently, most carefully watched, and the failure of his mission transmitted to our hero at Edinburgh for his government. The bank were at this period in a critical situation: Unless they proved Mackcoull's participation in the robbery, and that *the notes with which the bills were purchased were part of those stolen from their bank*, they behoved to deliver up to Mackcoull the said bills, amounting to £991 odds, and interest at

* November, 1819.

5 per cent., from May 1813—to lose all the expense they had been at *in claiming their own property*, and pay all Mackcoull's expenses (amounting to nearly £1000) in prosecuting them, besides the disgrace of losing the action—an action, we believe, without a parallel in the annals of any court in Europe;—a public depredator—a convicted rogue and vagabond—going at large in the metropolis of Scotland, *without any lawful trade or employment*, denouncing courts, magistrates, and private individuals, and prosecuting, *with their own money*, in the supreme court of that country, a respectable banking company, for attempting to keep a part of their property of which he had robbed them, and which was actually found in his possession. But this was not all: Mackcoull's intentions were, if he succeeded in the Jury Court, *to follow up the decision with an action of damages*, in which, it is the opinion of many, he would also have been successful!

Mackcoull and his friends industriously circulated a report at this time, that the bank had not only offered to return the bills and pay his expenses, but had tendered him a sum of money to drop all proceedings against them; and this story gained so much credit with the public, that, immediately *after* the trial in the Jury Court, it appeared in one of the Edinburgh newspapers. But we can assure our readers, that, like Mackcoull's transactions with his friend Mr. Martin, it originated with himself, the one story being as void of truth as the other: For, when the agent for the Paisley Union Bank sent to contra-

dict this statement, the editor of the newspaper apologized, and said, he believed the paragraph had been sent to the office either by Mackcoull or his agent, *immediately after the trial!*

In December, 1819, Mackcoull and his agent urged the matter so strenuously, that the trial was fixed for the 20th February, 1820; and the following issues, to be tried, were mutually agreed to:—

"1. Whether, on the evening of the 13th day, or the morning of the 14th day of July, 1811, or about that time, the defender, James Moffat, *alias* Mackcoull, did steal, or unlawfully abstract and carry off, or was art and part in stealing, or unlawfully abstracting or carrying off from the office of the Paisley Union Bank in Glasgow, cash and bank-notes, and bankers' notes belonging to the said bank, amounting, in value, to £19,753 : 4s. or thereabouts? And whether the defender still retains, and refuses to restore to James Miller, the pursuer, for and on account of the said bank, a large portion of the said cash, bank-notes, and bankers' notes, amounting, in value, to £7,644 : 9s. or thereabouts?

"2. Whether the amount, in value, of £19,753 : 4s. in cash and bank-notes, and bankers' notes, was, on the 13th and 14th days of July aforesaid, stolen, abstracted, or carried away from the office of the Paisley Union Bank Company at Glasgow aforesaid; and whether the said defender received the whole, or any, and what part thereof, knowing the same to have been stolen; and whether he still retains, and

refuses to restore to the said James Miller, for and on account of the said bank, a large portion of the said cash, bank-notes, and bankers' notes, amounting, in value, to £7,644: 9s. or thereabouts?

"3. Whether three bills of exchange, one dated 4th March, 1813, for £540, drawn by the British Linen Company on the house of Smith, Payne and Smith, bankers in London, payable to James Martin, at forty days' date; one dated 5th March, 1813, for £31, drawn by the British Linen Company on the said house of Smith, Payne and Smith, payable to the said James Martin, at fifty days' date; and one dated the 5th March, 1813, for £400, drawn by the Commercial Banking Company of Scotland, on Bruce, Simpson, Freer and Company of London, to the said James Martin, at forty days' date; all in the action of multiplepoinding brought at the instance of Alexander Callender, depute city-clerk of Edinburgh, aforesaid, admitted to have been purchased by the defender, the said James Moffat, *alias* Mackcoull, from Banking Companies aforesaid, amounting, in all, to £991,—were purchased by him with a part of the cash, bank-notes, or bankers' notes, stolen, or unlawfully abstracted or carried off by him and others as aforesaid, or in the stealing or unlawfully abstracting or carrying off of which he was art and part, or of other cash or notes, obtained as the proceeds of the notes, or cash so stolen or abstracted; or, whether, having received the same, knowing them to have been stolen, he did apply

part thereof, or of other notes or cash so stolen or abstracted, in purchasing the bills of exchange aforesaid, admitted by the said James Moffat, *alias* Mackcoull, defender, to have been purchased by him?"

The most eminent counsel at the Scotch bar were now retained by the bank, in anticipation of the approaching trial, which they found themselves unprepared to meet with any prospect of success. At a meeting of the counsel and agents for the bank, together with some of the bankers themselves, it was suggested and recommended by the counsel, as a *sine qua non*, and, indeed, the only expedient from which they might expect to derive any real benefit, that the bank should forthwith apply for the assistance of a first-rate Bow Street officer to trace the whole movements of the thieves from Glasgow to London; particularly to ascertain whether they were seen in Glas- *after* leaving Stewart's lodgings; where they stopped on reaching Edinburgh, as that had never been discovered; and, as the people who saw them leave it, were since dead, to endeavour to find some other person who might have seen them on that occasion. The great object would then be to find George Johnson, who was waiter in the Talbot Inn at Darlington, in Yorkshire, and Henry Cumington, who was waiter in the White Hart Inn at Wellwyn, in Herts, in 1811, both of whom were taken to London: the former, as we have mentioned, was present at the apprehension of Huffey White, and identified him at Bow Street; and the latter

saw the three robbers counting over the bank-notes on a table in his master's, and identified Huffey White at Bow Street along with Johnson; and was also taken to London a second time, and identified Mackcoull when he was in custody at Hatton Garden, in 1812, as one of the three men who counted the notes, who used the pen and ink, and who asked for the hammer and nails, and fixed the direction on the black portmanteau and great-coats. This man's evidence was of the greatest importance to the issue of the cause. Should it however be ascertained that these men were dead, the business would then be to procure proper certificates of their death, so as to warrant production, before the Jury Court, of the informations on oath of Johnson and Cunington, taken at Bow Street in 1811; to make diligent search for the jottings found in Huffey White's pocket-book, when apprehended, and the box of skeleton keys which had been discovered in Scoltock the blacksmith's shop, by the Bow Street officers, in 1811, with a similar direction to that which Mackcoull affixed to the portmanteau and great coats;—to find, if possible, the widow of Huffey White, and bring her to Edinburgh, to give evidence on the trial: as also to endeavour to prevail on Messrs. Sayer, Lavender, and Vickery, the Bow Street officers, to come down as witnesses for the bank;—Lastly, to endeavour to find some person who could swear to Mackcoull's handwriting; and, if possible, to discover by whom the letter subscribed *James Martin*, was written. The counsel observed, that if the two

waiters, the most material evidences, could be traced and discovered (for it had been ascertained that Johnson, the Darlington waiter, enlisted for a soldier in 1812, and Cunington left Wellwyn in 1813, with the intention of going into business for himself in London, and had not since been heard of), it would not be necessary to bring forward so many witnesses; but, if the waiters could not be found, the officer, or whoever might be employed to manage the business, behoved to begin at Glasgow, where the robbery was committed—trace the route of the thieves to London, and collect a full and complete chain of facts and circumstances, to be established by the landlords and servants of the different inns on the road where the robbers stopped, where they changed Scotch bank-notes, or did any other thing worthy of observation, or material to the bank in the matter at issue.

The bank were really at a loss how to act: So many years had elapsed since the robbery was committed, that it seemed next to an improbability to bring facts and circumstances to the recollection of strangers at such a distance of time; while the engaging a Bow Street officer of eminence on such a business behoved to be attended with enormous expense; but, as the alternative was that of being defeated by Mackcoull, affronted, and subjected to the consequences of an action of damages, they at last applied to Mr. Denovan, and prevailed on him to engage in the undertaking.

Mr. Denovan, after coming to Edinburgh, and

consulting with James Smyth, Esq, agent for the bank, proceeded to Glasgow on the 27th of December, and, after making such inquiries as satisfied himself, returned on the 2d of January, 182[illegible] —completed these inquiries in Edinburgh—and next day delivered to Mr. Smyth the following opinion and notes of evidence :—

" Mackcoull, White, and French, it appears, took lodgings in a Mrs. Stewart's at the Broomielaw, in Glasgow, and entered to possession of these lodgings in the *first week* of May, 1811. The lodgings were taken by Mackcoull, for himself, in the name of James Moffat and "*his two cousins,*" whom he afterwards introduced by the names of Down and Stone. Mrs. Stewart told the strangers, as was customary with her, that a fortnight's notice must be given before leaving the lodgings, to which they assented; and Mackcoull observed 'that a fortnight would answer him, but the other two gentlemen would stay three weeks.' Mrs. Stewart died some years ago; but these and the following facts can be proved by Mr. John Stewart her son, and Margaret M'Aulay her niece, who then lived in family with her.—Mr. Stewart is an active intelligent man, and very distinct.

" Mrs. Stewart left the house she then occupied on the 28th of May, and removed to the foot of Wood Lane, in the near neighbourhood. *Previous* to the flitting, a box had come, as Mackcoull said, by the mail-coach, and which he brought in on a Sunday morning. Both Mr. Stewart and his cousin are agreed that their lod-

gers were not out of the house over ten o'clock until the box came; but, on the very night of the removal, they remained out until a late hour. It is a general remark by all strangers in Glasgow, that, after ten o'clock at night, very few people are to be seen in any of the New Streets at a distance from the Trongate, &c. Where the branch of the Paisley Union Bank is situated, a robbery might easily be committed after that hour, by merely evading the watchman as he went his rounds. Both Stewart and his cousin remarked that their lodgers, some nights after their first staying out, methodically, as it were, left home at ten o'clock, and came in about twelve. I presume that the box they received contained skeleton keys and other implements, with which they intended to open the bank, and that they were foiled in the first attempt by these keys not answering the locks. Had not that been the case, Mackcoull would have been pretty correct in saying, when he took the lodgings, that 'a fortnight would answer him.' The keys had been longer on the road than they expected, for some one of the three observed to Stewart's cousin they were afraid they would run short of money, and expected some from England; while Mackcoull, as he brought in the box, observed to the girl that *it contained* THE MONEY *they had been looking for*. Finding, as I imagine, that the keys did not answer, after various attempts, Mackcoull set off to London to rectify the mistake. He told Mr. Stewart he was going to *Liverpool*. But, as he left home

a little before nine o'clock in the evening, [illegible] evident he must have taken the Edinburgh [illegible] to London (which leaves Glasgow at that ho[illegible] as the west mail then did, and now does l[illegible] Glasgow at four in the afternoon; and I [illegible] ascertained that there was no other regular [illegible] veyance by which he could have travelled. Indeed, this is proved by the time he is absent (fourteen days). Immediately on his return the night business is resumed; and, in particular, Stewart states that Down (who, by the description he gives, must have been Huffey White), the *operative man*, was out a whole night.

"There is little doubt that the burglary might have taken place at least fourteen days sooner than it was committed; for every thing must have been ready when the robbers gave their landlady fourteen days' previous notice of their removal. But experienced thieves, like able generals, often display the greatest skill in covering their retreat. The policy of the thieves in delaying this robbery is very obvious: The fair week was at hand, when Glasgow would be filled with blackguards of various descriptions; and when, on a robbery taking place, as they themselves were completely unknown to the police, the saddle, as is but too often the case, would be laid on the wrong horse, and divert the attention of the bank directors while they effected their escape in safety. The plan of their retreat was judicious. They left Stewart's lodgings on the 9th, as they said, for England, and the robbery did not take place until betwixt the 13th and

14th of July, at the termination of the fair, when the blackguards who attended it would naturally be leaving Glasgow, and be most apt to commit a depredation of that nature. The circumstance of giving Mrs. Stewart fourteen days' previous notice of their removal, and that they did leave their lodgings on the 9th of July for England, has been laid hold of by Mackcoull as favourable to his case. For I find from Stewart, that both he and his agent had called on him to ascertain if he recollected the circumstance, and seemed quite overjoyed on learning that both he and his cousin could swear to the fact."

"Immaterial as I conceive this to be, still I thought it prudent, if it could be done with little trouble, to fill up this blank in the evidence, by either establishing where the robbers resided in the interval, or, at all events, to find some one who might have seen them posterior to the day they pretended to have set off for England. They left Stewart's house on the afternoon or rather evening of Tuesday the 9th of July, with a common street-porter who carried their portmanteaux and great-coats. This man, wonderful to say, could not be discovered either by the agents of the bank, or the police, in the year 1811; and although I would have considered it a very easy matter indeed, at that time, to have found this porter, still, at the distance of nine years Stewart might not, although he saw him, be able to recognize him; and as the man, they say, was then old, the probability is that he may have since paid the debt of nature: I declined,

therefore, making any inquiries regarding him, but turned my attention to the public-house frequented by Mackcoull and his friends, and was fortunate enough to discover that a person of the name of Muirhead, the master of a steam-boat, saw all the three men together in the Gallowgate on Friday the 12th of July, the day preceding the robbery."

Shortly after Mackcoull was apprehended in London, and brought down and lodged in Glasgow jail, he sent for Mrs. Stewart's niece, to *know what questions had been put to her by the gentlemen of the bank.* On entering the cell where he was confined, he appeared very dejected, and said to her, rather in a low voice, 'Oh! Peggy, I fear they are going to hang me!'

"I endeavoured to trace Mackcoull's movements at the time when, as he says, he went to Liverpool, but did not succeed: At that time passengers did not enter their names in the way-bills of the coaches, as they now do—they merely received tickets with the names written on them, on paying the fare: But I have still hopes of tracing the conveyance of the box with the keys from Glasgow to Tottenham-court Road.

"The appearance of Mackcoull, White, and French, as they were about to leave Glasgow, on the Sunday morning after committing the robbery, and of the bundle they carried (which no doubt contained the notes), can be distinctly described by Robert Mackinlay and David Clachar, and this is in so far corroborated by Mrs. Mather; while the circumstance of their hiring the chaise,

and the identity of Mackcoull as one of the three, and the one who was most active in hiring the chaise, can be proved by James Stirling the guard of the Ayr coach: This man describes the bundle minutely. The hiring of the chaise, descriptions of their persons and the bundle, black portmanteau, &c. together with the *identity* of Mackcoull, can be most clearly and distinctly proved by Alexander Leith, and by his post-boy James Muir, who drove them from Glasgow to Airdrie. Mackcoull, after they left Glasgow, urged the boy to drive 'as hard as he could, as he (Mackcoull) had a brother in Edinburgh at the point of death, and he was anxious to see him before he expired.' [*For particulars see the declarations of these people, taken before the magistrates of Glasgow.*]

"The arrival of the three fugitives at Airdrie can be substantiated by Mr. Ross, who now keeps the inn at Peebles, and by his post-boy, who drove them to West Craigs; their arrival there, and departure for Uphall, by Mr. Mackay and his wife—the former of whom says he can identify Mackcoull, and saw him in his house sometime ago. Their arrival at Uphall and departure for Edinburgh cannot be proved by Mr. Ramsay, the landlord; but his servant, James Jackson, who drove the thieves to Edinburgh, will be a good witness. Mr. Ballantyne, bookseller, of Edinburgh, and his servant, were at Uphall when they arrived; and, as some altercation took place about the post-horses, it is likely that Mr. B. may be able to identify Mackcoull.

I trust, however, that this connected chain of evidence will be unnecessary—Their departure from Glasgow and arrival at Edinburgh ought to suffice.

"Mr. Ramsay's servant, Jackson, drove them from Uphall, and put them down, as he tells me, in Prince's Street, nearly opposite to South Charlotte Street. Here I found that all trace of the robbers had been lost, even in 1811; and that the person who saw them leave Edinburgh, for Haddington, was dead years ago. I therefore set to work to ascertain where they had stopped intermediately; for Mackcoull, in his examination before the court, says, he left the two men, with whom he travelled from Glasgow, in Prince's Street, and 'dined with a gentleman of his acquaintance, *but not in a public house.*' Aware that he once lodged in Rose Street, it occurred to me, as natural, that he might, at that time, have frequented some tavern or public house there, to drink and smoke his pipe, of which he is very fond; and might, probably, have preferred that house on his return from Glasgow, as being situated in a back street, from whence he might pass, through other back streets, to the east end of the city, and thus take his departure for England without observation, during the afternoon service. In this I was right: After some trouble, I discovered that he used a house called the St. Andrew Tavern (not far from the lodgings he occupied in 1807). This house was then kept by a person of the name of M'Cousland, who left Edinburgh many years ago. I have, however, with difficulty, ascertained that he now

keeps the inn at Cambusnethan Kirk; and from a relation of Mr. M'Cousland's I learn, that Mackcoull and his associates *actually dined at his house*, and, as *he previously knew something of Mackcoull's character*, he had mentioned the circumstance to his friend, when he heard of the robbery, and hinted 'that they might be the men.' I think some person from the bank should take a ride to Cambusnethan, and see M'Cousland: It is rather out of my way to go there now. On further inquiry I found, that, although the person who saw Mackcoull and his friends leave Edinburgh, is dead (a Mr. Reid, and who then gave the information by which their route was traced), that they were also seen by Mr Wauchope, a tobacconist, in Leith Street, and Mr. Alexander Livingston, merchant in Leith, both of whom previously knew Mackcoull, and can identify him. The departure of the thieves from Edinburgh, and their arrival at Haddington, can be proved by Mr. Drysdale's servant, who drove them: They hired the chaise at the Black Bull, and there is an entry in Mr. Drysdale's book to that effect."

Having proceeded thus far, Mr. Denovan made some inquiry into other facts; and, after attending a consultation with Francis Jeffrey, Esq. one of the counsel for the bank, he left Edinburgh on the 9th of January, to trace the route of the thieves; discover if possible the Darlington and Wellwyn waiters; and complete and arrange, in London, the whole body of evidence which could be adduced on behalf of the bank. His success

in the business far exceeded the expectations of his constituents, and enabled them to obtain a complete victory over their adversary. He returned to Edinburgh on the 1st of February following, and delivered to the agent for the bank a journal of his proceedings, with notes of the evidence which could be given by the English witnesses. As this journal is interesting, and contains many curious circumstances which do not appear on the trial, we have subjoined the same by way of appendix, from a copy with which we have been favoured. The trial was fixed for the 20th February; but, as Mr. Vickery, the Bow Street officer, a very material witness for the bank, was at that time in Paris, and could not, owing to the nature of the business in which he was engaged, return before April at soonest, it was necessarily postponed till the 11th of May, when the whole of the witnesses for the bank attended, with the exception of Henry Cunington, the Wellwyn waiter, who laboured under severe indisposition, and Mr Harmer, solicitor in London, who could not then leave town; but their depositions were taken by commission, and read in court.

At an early hour on the morning of the 11th May, 1820, a great concourse of people collected in the Parliament Square, and the moment the doors were opened, every part of the court was crowded—even the very stairs and passages were filled with people anxious to occupy the stances of those who came out. We may say with great truth that no civil trial, by jury, in Scotland, ever ex-

cited so much interest, nor was ever there a decision given which afforded more general satisfaction.

The judges were the Lord Chief Commissioner Adam, Lord Gillies and Lord Pitmilly. The counsel for the bank were Francis Jeffrey, Henry Cockburn and James L'Amy, Esqrs.; and James Smyth. Esq. W. S., agent: for Mackcoull, J. P. Grant and Archibald Alison, Esqrs., and Mr. William Jameson, W. S. agent. On the jury being chosen, and the issues read, Mr. Cockburn rose and opened the case for the pursuers. "It was a prosecution, he informed the jury, on the part of the Paisley Banking Company, against James Moffat, a gentleman with whom, if it were possible so important a character could be entirely unknown to them, he had no doubt but, in the course of the day, he should introduce to their perfect acquaintance. On the evening of the 13th, or morning of the 14th July, 1811, the pursuers, his clients, had their banking-house, at least the branch of it in Glasgow, robbed of notes and specie to a considerable amount; and the accusation against the defendant, which they would have to try, was, 1st, That he, on the said 12th or 13th July, in the said year, actually did commit the robbery; that he was concerned with others in committing it; and that he became unlawfully possessed of part of the money stolen—that is, with a guilty knowledge of its being stolen. The offence, as he had stated, was committed in Glasgow, in July 1811. In the same year the defendant was suspected of being concerned in the robbery, and, in 1812, he was appre-

hended and committed to Glasgow jail. He was afterwards liberated, and went to London. In the year 1813 he came to Leith, where he again was apprehended, conveyed to Edinburgh, and underwent an examination on the charge of being concerned with two other persons in the same robbery, which forms the ground of this prosecution. He would not trouble them with an account of the actions the defendant brought against the bank, and other persons concerned in detaining him on these occasions. All this, as well as his former apprehension, and whatever was not tendered them in evidence, they were to leave out of their consideration.—The issues to try were:—

"'1st. Was the defendant guilty of stealing, or carrying away from the premises of the said Banking Company the property charged?

"'2d. Whether he received the money, or any part of it?

"'3d. Whether the notes found on his person, or traced to his possession, are the same that were stolen from the said banking-house?'—which, in fact, was the radical question which involved the defendant in the accusation of having concern in the robbery.'

"With regard to the first charge, he should not be able to bring evidence to prove, but certainly quite enough to demonstrate the fact of the defendant having committed the theft. He had no direct evidence; he had no witness to say, 'I saw him commit the robbery in question;' but he was mistaken if he had not evidence enough to

show the defendant such an adept in his profession, that he could hardly be suspected of such unskilful management as to suffer himself to be detected in the act itself. He admitted that this was a case which rested entirely on circumstantial evidence; by which, however, he should place the fact of guilty possession beyond the reach of doubt. Such circumstantial evidence as he would produce, was the best in law, because, by a connected chain of information, the jury were enabled to bear in mind a case of circumstance, and, as he believed, they would be able, on the present occasion, to retain in their recollection, throughout the trial, the particular fact upon which the case turned. The office in which the Paisley Union Company transacted their business in Glasgow, it was necessary they should be informed, was in a corner house, on the ground floor; under it were cellars; and the flat above was occupied as warerooms. The Banking Office consisted of an outer and inner room. In the inner room was a safe; this depository or iron door inclosed several drawers, two of them removeable ones. Every night, after the business of the day, the proper officers of the bank collected and put into these drawers the notes that were received during the hours of business. On going to the bank, on the 15th, after the robbery had been committed on the Saturday the 13th, the person whose business it is to open the bank, discovered nothing particular in the outside door. He should have informed the jury, that, on the evening the robbery was committed, a box had

arrived from Sir William Forbes & Co. containing bank-notes of the Paisley Union branch at Glasgow, which that bank had taken up for the company. On opening the safe, it was discovered that this box had been forced open, and the contents stolen; two of the drawers of the safe, which contained the keys of the other drawers, had been opened by chisels, and notes to the value of £20,000 stolen, principally in notes of the Union Bank, and 6 or £800 of other banks, chiefly Paisley and Scotch; and £4,700 of the notes from Sir William Forbes and Company, (in all about £12,000 in the notes of this particular Company, the Paisley Union). The original letter to this Company, giving an account of the box's contents, was still in existence; but the contents of the box were not counted that Saturday evening, but received by the proper person, and deposited in the iron safe. The most important and the only question that could be raised by the defence would be, Whether Mackcoull had any concern in the robbery? In a case of circumstantial evidence, the situation in life, conduct, and connexions of the defendant should be considered. If the accused sustained the reputation and outward appearance of a gentleman, and appeared to occupy a station in life generally considered beyond the suspicion and temptation of a crime such as the defendant was charged with committing, all this afforded at least a presumption in his favour. He would inform the jury that Mr. Moffat (Mackcoull) wears all these appearances; in fact, he has been accustomed to

represent himself as a merchant, and having money transactions with a Mr. James Martin, a merchant in Hamburg, to the amount of £100,000. What would they say, when he should show to them, on the defendant's own declaration, and by his own letter"——

Mr. Grant, for the defendant, interrupted Mr. Cockburn, and "urged, that the counsel for the pursuers were not entitled to comment on matter that was not distinctly relevant to the case, and could not afterwards be produced in evidence."

Mr Jeffrey admitted the justness of his learned friend's observation, except that he maintained the matter of the declaration was strictly relevant.

Lord Gillies observed, That whatever decision the court or the jury should hereafter form, would only be guided by such evidence as could be regularly received. At present, the learned counsel had not proceeded far enough to allow him to judge of the relevancy of the matter about to be advanced.

Mr. Grant acquiesced.

Mr. Cockburn proceeded: "He was not at all surprised that the defender should wish to censure, by his counsel, the production of the letter, or of any other evidence which went to impeach him." [At this time a considerable noise was heard in the court; and, to the astonishment of all present, Mackcoull appeared pressing through the crowd, and never stopped until he got close to Mr. Cockburn's right hand: here he stood, with the utmost composure, and looked round him

with a kind of sarcastic grin, peculiarly his own. It was a very material object for the bank that he should be present in court, to be identified by the witnesses; and, to insure his attendance, he had been cited to appear and produce his books. But the bank were so doubtful of his appearing, that means had privately been used to bring the witnesses into his company, out of court; and all of them, with the exception of Mrs. Huffey White, had seen him before the day of trial.] Mr Cockburn proceeded: "In opposition to his statement of being a respectable merchant, the fact was, there was not a police office in the kingdom, England and Ireland included, to which he was not known, as accused of the present or a similar crime. The account he gives of himself, in his first declaration, states his name to be James Mackcoull, *alias* James Moffat, which is the name he has gone by of later years. But the Jury would hear him called by other names, and therefore this explanation was necessary to come to an understanding of the witnesses. His name will be found associated with that of Down, Houghton, or Hufton White, or a person formerly known by the more endearing appellation of Huffey White." [Mackcoull at this time came so close to Mr. Cockburn, that he stopped, and after turning round and whispering to Mr. Denovan, who sat behind him, he addressed the court—"My Lords, I cannot go on unless this man is ordered to another part of the court—he is interrupting me."]

Mr. Jeffrey.—"I crave that Moffat be ordered

round to his own side of the bar—I mean beside his own counsel—He has no business here." [Mackcoull grinned in his face, and, moving slowly round, took his seat beside his agent and counsel]. "I farther crave that Mackcoull be ordered, by your Lordships, not to leave court until the witnesses for the prosecution are examined, so as he may be identified by them. I presume that his reason for conducting himself in the way he has done, is, that he might be ordered out of court to avoid being seen by these witnesses." Their Lordships accordingly ordered Mackcoull to remain in court, and Mr. Cockburn proceeded: "Mr. White, the defendant will not be able to call to speak to his character, as he was unfortunately executed, some time back, for another offence; but a police officer will give evidence as to their intimacy. Harry French, who was once suspected of a murder and robbery, is another acquaintance of the defendant's; but his valuable services in this hour of need will be also lost, as he is now undergoing the sentence of transportation for life. Stone and Down are the names of the two persons with whom he is charged to have planned the burglary which is the subject of the present trial. And the plan was this:—Scoltock, a blacksmith, who has since made all the amends in his power for his share in the crime, engaged to make all the implements for house-breaking, and for this particular robbery of the bank in Glasgow. In the month of May, 1811, we find Mr. Moffat, the reputed merchant, with his two

friends, his reputed cousins, Mr. Down and M Stone, arrived in Glasgow, and occupying t lodgings of a Widow Stewart, and, of course, deavouring to sustain an appearance likely to i part the belief, among such persons as they w obliged to have intercourse with, that they h arrived there on some important speculati That the jury may know something of the history of Mr. Down and Mr. Stone, they should be told that the one was no less a personage than Mr. Huffey White, and the other was Mr. Harry French. Now, although the robbery was not committed till July, a deal of preparatory business rendered their presence in Glasgow necessary two months previous. They had to make themselves acquainted with the banking business, the bank's regulations, &c. and with the habits of the Glasgow police. This the jury would discover to have been the purpose of their visiting Glasgow so early. The merchant and his cousins did not converse with merchants, or appear to have any fair business there; but as soon as nightfall arrived, about ten o'clock, they usually went out; and, on one occasion, one of them was out all night. Their explanation of this would be, they were at a relative's, mentioning the address and number of the house; but he would defy the defendant to produce any friend to come forward in his behalf, or any evidence but his own assertions. During their stay at Mrs. Stewart's, a box came to them, containing keys, which was afterwards sent away again. At this period, their nocturnal visits

abroad became more frequent; and, it seems, they had found opportunity of discovering that the keys did not fit, as a correspondence ensued between Mackcoull and the smith, the former sending to the latter, drawings of the premises and locks; and, in a letter bearing the Glasgow post-mark, Mackcoull observes he cannot *do business* by letter. He therefore went to London, leaving word that he was going to Liverpool: the two friends are left behind. He took with him not a picture, but a wooden model of a lock. He afterwards returned from London with the box, which was covered with the same handkerchief as when first brought to Mrs. Stewart's. When they had been about six weeks in Glasgow, and, it may be supposed, had arranged their affairs, they gave Mrs. Stewart fourteen days' previous notice of their removal, and left her lodgings on Tuesday the 9th of July, pretending to leave Glasgow, but really for the purpose of remaining in concealment in that city till after the robbery was committed on the following Saturday night or Sunday morning. Another reason may have suggested this procedure: it was Glasgow fair week, and they no doubt conjectured that the robbery would be imputed to some of the blackguards who attended the fair; but their residence during this period is unknown. They said they were going to Bristol, and should return in a few weeks. A man of the name of David Clachar, on Sunday morning 14th July, as he was looking out of a window, saw three men, one of whom (Mackcoull) he afterwards

identified, on his examination at Glasgow, sitti[illegible] on a dyke near a place or street called Stirling Road, with a bundle before them covered with a handkerchief. He observed them take out of the bundle notes and count them. One of them went off, and the other two followed soon after towards the interior of the city. On their road they meet the guard of the Stirling mail, of whom they make inquiry for a conveyance to Edinburgh; they are next met by one Muir a chaise-driver, whom they order to apply to his master for a conveyance for them to Edinburgh. They take refreshments at (Leith's) Muir's master's, and proceed in a hired chaise for Edinburgh. The jury will hear in evidence, incidents occurring on the stage which made our travellers suspected before they reached Edinburgh. Mackcoull assumed, as an excuse for their visible impatience on the journey, that he had a brother dangerously ill at Edinburgh. They did not drive into town or to any house, but, on their arrival at the west end of Prince's Street, discharged their driver. They dine at the house of Mr. M'Cousland in Rose Street, and afterwards proceed in another chaise, which takes them up at the east end of Edinburgh, so that any pursuers would, of course, lose scent. The jury would recollect that, between five and six o'clock in the morning, they were in Glasgow; twelve hours afterwards we find them in Edinburgh; and, in twenty-four hours from their leaving Glasgow, it will be seen that they arrived at Darlington. Hitherto they are drawn by a pair of horses: four horses, being

rather an unusual means of acceleration in Scotland, would probably have attracted too much notice; but, as soon as they enter on the borders of England, we shall find that they avail themselves of four horses. Johnson, the waiter in the inn they stopped at in Darlington, will identify Mackcoull. He also touched the parcel in offering to hand it out of the chaise, and conjectured, at the time, that it contained either *bank-notes or packs of cards*. This witness will also prove that one of Mackcoull's companions in the chaise was Huffey White, whom he afterwards identified when he was apprehended in London. The waiter was asked to change a £20 Scotch note, which he did; and he also changed another for them at the bank. This waiter would be found a discerning fellow, and it was impossible that such fellows should escape his observation, for he remarked to his master—'He wondered how such queer-looking chaps should be posting it,' which was his way of speaking of them. They afterwards set out, leaving this place, and are seen travelling furiously, and in company, towards London. On their arrival at the inn at Wellwyn, the second stage from London on the great North road, they are observed and suspected by a person named Cunington, who is prevented from attending by ill health, but whose deposition will be offered in evidence. This man recognized White on his examination in London, and also Mackcoull soon after. This person, two days after the robbery (for the mention of August in his deposition was mistaken for July), saw the three sitting at a table covered with Scotch notes.

Struck with their appearance and rapidity, made a remark to his master which is worthy notice—that his master would soon have to prepare another chaise and four; which was soon verified by the arrival of the officers of the bank in pursuit of the culprits. Previous to their flight from Wellwyn, they gave in charge to the waiter a portmanteau, with directions to forward it to No. 96, Tottenham-court Road, which he did. The jury should see, in addition to the suspicious caution in discharging one carriage, and hiring another at Edinburgh; in addition to their exchanging of the £20 Scotch notes at Darlington; in addition to their arrangements at Wellwyn for entering London, that city in which their peculiar caution and vigilance must be exerted;—in addition to all this the jury would see that the defendant's hurry from pursuit on the road to London, as implicating him in the suspicion of accomplicy in the robbery in question, is only to be exceeded by his subsequent daring conduct while in London, in endeavouring to secure what he could of the booty he had carried away. As was predicted, there are soon inquiries made at Wellwyn concerning the fugitives: The officers of the bank arrive in pursuit of them, and are informed, by the waiter, of the address to which he forwarded the portmanteau. They apply to Bow Street, and, accompanied by some of the officers, proceed to No. 96, Tottenham-court Road, which they discover to be the premises of the smith Scoltock. Here they find a box containing keys, which, it is conjectured, are the ones that were returned because they did not fit,

Scoltock himself was then confined for debt in the rules of the King's Bench. They proceed to Scoltock's house, where they apprehend Huffey White, and discover the portmanteau in question, which is found to contain Mackcoull's linen—he himself having left the house but a minute or so before the arrival of the officers. A jotting was also found in the pocket-book of Huffey White (which the learned counsel now read), that came very nearly to the amount of the notes which were taken from the bank. Subsequent transactions to the apprehension of White left no doubt as to the guilt of the defendant. Mackcoull now resolved on giving up £12,000; and he particularly wished the jury to observe in what manner, and for what end, this concession was made. Mrs. Mackcoull was employed to offer up the money—nearly £12,000; £11,937 according to a list accompanying this tender, which purported to be signed in the presence of Mrs. Mackcoull, with three other signatures. A letter acknowledged the receipt of nearly £12,000, by an agent of the bank, in the bank's own notes, which corresponded with a part of the notes taken away. This the learned counsel considered an important fact! The defendant calculated, by surrendering these notes,—which could not, at that period, while the news of the robbery was noised about, be safely of any value to him,—to make a reservation of that portion of his spoils which he could more securely expend. Did these notes, he would now ask, come from Mackcoull himself? It was ridiculous for the de-

fendant to allege his want of confidence in his wife, and that she had gained the notes through an improper acquaintance with police officers and others; it could not be pretended that Mr. Mackcoull could have had access to £12,000, least of all, to that sum in Scotch notes. The fact was, that, soon after Mackcoull reached London, he delivered to a Mr. Gibbons, 13,000, 7 800 pounds, with instructions for it to be given up, and communicated personally his reasons for giving it up, which, he said, were, that he hoped thereby to stop the proceedings of the Paisley Bank against Huffey; and Gibbons, three days afterwards, gave the notes to Mrs. Mackcoull. Accordingly, under such circumstances, could the surrender of the money be an act of Mrs. Mackcoull's agency? He also confessed to Mrs. White, who was a witness on the present trial, that he had caused his wife to give up £12,000; and, lastly, he told it to White himself, with the additional fact of his having given up the £4,000 also, in hopes of staying the prosecution of the bank, which would be proved by the police officer who was present at this interview. Mr. Woolley, an English attorney, employed by Huffey White, to whom White communicated the proposal of giving up the £4,000 also, will likewise appear in the witnesses' box. Supposing this to be the fact, what sort of a fact is it? Here we have the defendant purchasing the witnesses against Huffey, to save his life. The fact of his having offered to give up £1,000, to liberate him from prison, he denies; but there

was the deposition of Mr. Harmer, the London solicitor. L.970 he actually paid, and which consisted of Scotch, and mostly Paisley Union notes. Mackcoull we afterwards find engaged in more transactions with money. He purchased of the Commercial Bank in Leith a bill on London for £300. The signature of 'James Martin,' to a bill of the British Linen Company for £670, in 1812, was written by Mackcoull himself. He also negotiated other bills for £510, £31, and £420—in all to the amount of £991. And, notwithstanding, here is a wholesale bill merchant, who, after all these transactions, has no account to give of himself, nor a living creature to acknowledge any acquaintance with him. A circumstance more suspicious was, the defendant cashed his discounts in Scotch notes, and these so old that they were legally out of circulation. If the case were left to rest here, he should consider it one in which not only a great degree of suspicion was incurred, but a case as strongly proclaiming the guilt of the defendant, as any he need have, to justify him in asking a verdict for his constituents: But the case does not rest here. Evidence will be adduced—even the smith himself, an accessary to the crime, and other persons to whom Huffey confessed the robbery to have been committed by Mackcoull and himself, in league with the person before mentioned. Huffey White's evidence, if he were alive, would not deserve to be received in this court; but, being delivered in presence of credible persons, in the prospect of his dissolution, his state-

ments are of value. The defendant was present when these statements were repeated by police officers, by Mr. Woolley, and other persons; and may be considered to have acquiesced in them at the time, by his silence, or he certainly would have denied them. The learned counsel again repeated his admission, that the case against the defendant rested on circumstantial evidence; and remarked, that there was one course by which the defendant, if he were innocent, could at once remove all this suspicion. He has described himself to be respectably connected with one James Martin; the jury would, of course, expect to see this Mr. Martin produced on the trial: so material an evidence for the defence, of course, it would be madness to keep back, while any means existed of bringing him forward. But he (the learned counsel) was very much mistaken in the opinion he had been led to form of the defendant's case, if it should prove that he (Mackcoull) can produce any evidence of there being such a person as this Mr. Martin in existence. It is not to be credited, that any one could have lived to the defendant's age without being known to some one; much less is it to be credited, that a person engaged in mercantile pursuits, at his years, has not been able to form many acquaintances, whom he need not be afraid to call in, to give him a character upon an occasion like the present. Yet, here was a man, at his age, upwards of 50, without being able to produce a living person to say, 'I know that man to be an honest man,' at a time when he is bound to make use of all the friends

he has in the world. It is material to show the defendant's own account of himself, which he has had the opportunity of giving on three occasions." [The learned counsel now referred to Mackcoull's declaration]. "At Glasgow, on his examination in 1812, he said Mackcoull was his proper name; and, when desired to account for having used the name of James Moffat, he said he had been connected with that person in Hamburg, and had carried on the business in his name, after his decease. When asked if he was ever in Scotland, he replied, 'he did not keep a diary!' On the question being again renewed, he replied, 'several times.'—Was he ever in Glasgow? 'Several times.'—Was he there in July 1811? 'He cannot recollect.' When questioned as to his connexions, he declines to mention their names; and for the most singular reason imaginable for a person in the defendant's situation to give—'He is afraid of wounding their feelings!' Two gentlemen whom he accompanied on a journey to Edinburgh he can give no account of, for precisely the same reason. Does not know the towns and stages, or even by which road he travelled.—Met a gentleman at Edinburgh who took him to a friend's house (M'Cousland's) to dinner; but he is gone to *'the West Indies!'* When questioned as to that gentleman's connexions in Edinburgh, positively declines to answer any more such questions.—Received £600 at Leith about ten weeks before, the notes mostly addressed to James Martin; *motives of delicacy* prevent him from telling in what part of London

he resides. Three drafts found on him he acknowledged to be his property, and complained of their being taken from him, and 'pocketed.' Asked from whom he received Scotch notes, he answers, 'Martin and Harrison'—Charles Martin, a British merchant, gone to Bourdeaux; afterwards a Brussels merchant, and, he believes, gone to Montreal! Another person with whom he had dealings, he describes to have been a Leith merchant, who afterwards resided in London; and this is all we have of him. Did he purchase braadies? objects, but afterwards answers, that he purchased some in France. To whom were the bills payable? objects to answer that question. Does he keep any books? objects, but afterwards replies that he does, but they contain no entry of the brandies."

Mr. Grant here interrupted the learned counsel, to suggest, that it may save a little time if he informed his learned brother that he meant to object to this evidence.

The Lord Commissioner repeated his intimation, that whatever matter was introduced which should prove to be irrelevant, would, of course, be considered by the court and jury as testimony *quod non constat.* Mr. Cockburn proceeded: "The defendant was next asked if his books contained any memorandum of the price of the brandies?" He answers, 'No.' The only information he could give respecting the brandies, was that he paid for them in *French money.* When interrogated on the subject, *names* persons who knew Harrison—*but cannot tell where they*

live. James Martin, he said, did carry on business as a merchant, in Swallow Street, London; but, at that period, was at Berne in Switzerland! and a woollen draper or cloth merchant! Has been thirty years connected with this person; some bills were entered in his books, and some in Martin's; his books were in Martin's possession. Interrogated if he knew the Paisley Bank, he replies, 'too well,' but spoken merely in reference to the trouble and inconvenience the bank had put him to; for, as to his inculpation in the charge of robbing that establishment, he seemed to speak as though, *quoad* all the rest of the world, this was a matter of the most perfect indifference. He at length consented to write to this Martin to put him in possession of his own books; and he now would show the jury what kind of letter he wrote upon this occasion. [The learned counsel then read the following letter]:—

'*Edinburgh*, 10*th May*, 1819.

'DEAR SIR,

'I AM still detained here with that infernal suit against the partners of the Paisley Union Bank, whose agents here; while in the act of themselves robbing that bank with both hands, have made myself a most unwilling instrument in their hands, and art and part guilty with them.—The Lord Ordinary, when I complain to him of this, tells me, that they must not be obstructed in their lawful avocations; and how long I am to be stuck up between the bank and their agents,

or, in other words, placed between the hammer and the anvil, will depend upon the ability of the bank or of myself to continue the litigation. For six years has this process been most actively carried on before Lord Gillies, Ordinary, who they say is among the best of the Scottish judges, without one relevant averment, and without a definitive judgment; though his lordship sees the most pointed charge of forgery made by me against one of the bank agents, and has the admission of all of them distinctly stated upon his record, of their having robbed me by a prostitution of the police law, he, nevertheless, refuses judgment:—He has not energy to direct them to return my money, which the defender admits was forcibly taken from my person.

'His Lordship, after six years' litigation, is going to send the bank defence to the Jury Court, namely, that I and one White robbed with false keys their bank; and this pretty little defence, which the rhetoric of Mr. Erskine, the celebrated Scotch counsel, who wrote on Black of Inverkeithing's case, has spun out in 2000 folio pages, embraces all that they have been speaking about for the last six years. Lord Gillies, fatigued with this nonsense, has at last obliged them to plead issuably, and to confine their pleas to the fact of the robbery; but, ere the bank can enter the Jury Court, it has occurred to them as proper, after so long an acquaintance, to discover from myself, *who I am? where I come from?* what business I follow? and whether my conduct through life has been, like their's, honest and

moral?—It has pleased the Scottish judges to indulge their curiosity in all this, so that the bank agents, as one of the honourable judges expressed himself from the bench, might have an opportunity, from 'his biographical sketch,' to trammel me before the jury, in case the history of my life, taken by surprise, and upon their interrogatories, shall be incorrect: This, you must know, is Scotch law, and Scotch practice, and, I may add, Scotch breeding; and I have, of course, submitted to three several examinations before this inquisitorial court. These honourables have got now my life and travels for these last sixteen years, together with some account of yourself; for they have made, of necessity, the discovery that you and I have been most deeply connected in business together. What this biographical account may suggest to the fertile mind of our modern Cicero, whose grimaces in pleading are really frightful, I know not; but, if you come to this country soon, you had better empty your pockets ere you cross the Tweed, for greater ruffians never infested Hounslow Heath, than those who have robbed me with impunity. I have myself expended £800 in my attempt to get my money from them, of which, without the least dread or fear for the consequences, they openly confess in a court of law that they robbed me! I want a judgment in terms of their own confession, and that I cannot get. I never knew what a court of inquisition was till I came to Scotland. In my judicial declaration, I was asked if I made any entry in any memorandum

book, of the money I received from your cousin and Harrison? declare, I dare say I did. Interrogated, What book I referred to, and where it now is? 'declare, I think it was a memorandum book for the year 1815, which, I think, is now in the hands of Mr. James Martin, but that I am not sure. Being requested to write Mr. James Martin to transmit all his books, for the purpose of being put into the hands of the clerk of the process, declare, that he has no objection to write to Mr. Martin, as desired, but he is sure Mr. Martin will not pass the books out of his hands.' So you see what has passed; and it lies with you to say what I shall report to the Lord Ordinary." The session has risen, and will not again sit till May, when I shall then use every exertion in my power to get away with my property and with my character from that court and that country where I now am, through the medium of a jury. I have sacrificed £800 of law expenses. I have lost six years of my time, together with the fatigue and trouble of going and returning to London, and hitherto for no other purpose than to hear myself abused. For these six years, my life has been made a burden to me. Mr. Jamieson, who conducts my suit, often tells me, what I believe to be true, that not a person in the whole United Kingdom could have manifested so much resolution and firmness: and he tells me that not one case could so opportunely occur to show *the general distress of the nation.* God only knows whether the practice is general; if so, I sincerely

pity those who shall run the hundredth part of the gauntlet I have done; for it is a general robbery—The Scots live like fishes—the large devour the small!

'If there is any truth in the story about the bank being at all robbed with false keys, it may, as I am told, happen that this man White, who is said to be my accomplice, may turn out to be some *Edinburgh deacon* or *magistrate*, with a *gold chain*, and *cocked hat;* for it was by them, along with the procurator-fiscal, that my money was first of all taken forcibly from my person, under the pretence of a crime, but for the covered purpose of taking my money: They have dropped the charge, *but detained my property!*

'You can have no conception to what length corruption and oppression is gone in this part of the United Kingdom; and, what is most lamentable, the higher orders of society are chiefly implicated in it: this you will see from the advocation. In short, my good Sir, all I can tell is, that, after the most active research which, during the course of six years could be made after *roguery*, all that is hitherto made out *is, that, of all of us concerned in that fraudulent inquiry*, there is but one honest man among us, and that is *myself:* they are all of them chargeable, from the face of the records, *but one.* But, put jests aside, I have been shockingly used; and, if you can make a step down this way, as a witness for me at the jury trial, I shall be well enough pleased. I am,' &c.

[The reading of this letter occasioned a great

deal of amusement in court, from the grave folly in which it is couched, particularly its reflections on the Scotch courts]. "And this," continued the learned counsel, "is from an honest man, demanding the surrender of his own books! He would now read the answer of Mr. Martin, which was of a piece with the foregoing, and was written according to the instructions of Mackcoull, by Mackcoull's own brother. The Jury would perceive what a fraternal correspondence it was:—

'*April* 13, 1819.

'SIR,

'Your application to me, relative to the books in my possession, is so very strange and absurd, that I am really at a loss to account for it. *In the name of reason,* what can the books have to do with the bills taken or stolen from your person? It is but a short period since you informed me that Sir William Forbes and the Commercial Bank had declared they cancelled the bills—and I am now told they are not cancelled. What am I to think of this juggling? If you report truly, I do not only think, but am justified in saying, Sir William Forbes and the Commercial bankers are a set of scoundrels, and the greatest villains in existence, and certainly not deserving any credit whatever. I shall, most assuredly, report their conduct, not only to the bank directors of England, but post them in every commercial town in Europe.

'Let these fellows have any books belonging to me, or in my possesssion! Certainly not. Pray

let me ask, how am I to know, when they are in such villainous hands, what use they may make of them to answer their own ends and purposes? Afterwards I may then be told by some of the gang, O! they are honourable men, and would not do so bad an action, and so to be cozened by their Honourableships! Although I am but a plain, blunt Englishman, I know these sort of Honourables too well to trust them with any thing they can construe or make subservient to their purpose. I would not, after such swearing, lying quirks, tricks, and subterfuges as these Honourables have been guilty of, trust them with the piece of tobacco paper now before me. I therefore decidedly decline having any thing to do with such Honourables, and wish to have no other communication with them but in a court of justice, where I could scarcely even there think myself safe (particularly in a Scotch court, where they are permitted to say and swear what they please through their agency).

'I shall be away from here in a day or two, *either for Berne or the Italian States.* I am exceedingly ill, and have been for a long time; indeed my health is daily declining. Your agent Mr. Jamieson, certainly knows what is best to be done with these Honourables; and, therefore, as there is no other alternative, you must wait with patience the issue. Trusting you are better in health than I am. I remain,

'Your very sincere friend,

(Signed) 'JAMES MARTIN.'

[This epistle occasioned, if possible, more amusement from its absurdity than the former.] "The letter added, that the writer should leave that place immediately to set out on a tour to the *Italian States!* that is, knowing that, if he and his books were in existence, he could be compelled to give them up, he uses this precaution to prevent any inquiry after him which would detect the imposture. One communication the bank received, containing offers, as a last resort, when all other stratagems failed, and when it was seen the bank was determined on what course to pursue, requests an answer to be addressed to the Apollo Library, Worthing, Sussex (the residence of his own brother, John Mackcoull); but, of course, no such person existed; and the letter sent, for form's sake, by the conductors of the prosecution, was returned. The defendant acknowledged his acquaintance with Mrs. Stewart at Glasgow; but spoke of his acquaintance with Stone and Down as having merely dined together with them at the same mess. The learned counsel then made a concise summary of the leading points of his case, and concluded by calling on the jury to observe, whether the defendant remained in court during the trial, and if he should retreat, to make their own inference from the circumstance. They could not have compelled the defendant to attend; but he was served with a behest to attend, and warned of the inference that would be drawn from his non-attendance. From the advice he would doubtless receive from the gentlemen who he observed

were conducting his defence, he had no doubt but he would remain in court. If the evidence he should call substantiated his case, and they could afterwards entertain any doubt as to the defendant's guilt, he confessed it was more than he could entertain. The jury would not expect the evidence of accomplices to be offered until after the clue was discovered: they would not attend to what evidence could not be procured, but be guided by that they can have." Mr. Jeffrey wished to propose, in the first place, that, to save the time of the court, the declarations of Mackcoull be admitted by defendant's counsel.

The authenticity of the declarations were, after some conversation, admitted, but the introduction of them as evidence disputed, and a note made of the objection.

The first witness called on the part of the prosecutors, was John Thomson, who, being sworn in the usual manner, deposed, That he was porter to the Paisley Union Bank in Glasgow—was in that capacity in the year 1811; the bank is kept in Ingram Street, a corner house, on the ground floor; there are warerooms over; the bank has two rooms; the money-safe is in the inner-room; it is an arched closet, with a separate iron door; the money of the bank is regularly placed in it after the day's business; remembers the robbery very well; was there the day before, Saturday, 13th July, 1811; it was fair week in Glasgow; he locked the door of the safe himself that evening, after depositing the money in the drawers; is certain he locked all

but two small drawers, which were not always locked; locked the safe door, and the bank door, and took the keys to Mr. Templeton's house; did not count the notes he put into the drawers; it does not belong to his situation to do so; they were tied up in parcels; it was a large quantity that he put away in the safe on that Saturday; about £20,000 as he conceives. Witness, being asked what proportion of the Union's own notes that amount included, said there was a box from Edinburgh arrived in the course of that day, containing notes—a parcel from Sir William Forbes and Company—as usual; put it into the safe, and locked the door; opened the box himself; noticed the contents; there was one parcel marked, as he recollects, about £1,000; left the office after eight o'clock on Saturday night; carried the keys to Mr. Templeton's; opened the office himself on Monday morning; *found all locks as usual;* went into the safe; did not find things as he left them; the lid of the Edinburgh box was broken open; it was a lock box; the box was emptied; afterwards discovered the two small drawers had been forced open by some implement placed betwixt the edges of the drawers; the notes in the drawers were gone, except the bills for discounting; the specie, and some bad money that was in the drawers, was also gone; Mr. Likely was cashier in the bank at that time; is since dead, about five years ago; recollects Mr. Likely went to London about those notes; recollects his coming back about three weeks or so after; believes he recovered some of the mo-

ney. Interrogated, Did Mr. Likely tell you he had recovered any of the money?

Mr. Grant.—"My Lord, I submit my objection to this question. In the first place, I object to it because its tendency is to introduce only hearsay evidence; and I object to this question on another ground—namely, that this evidence could not be received in this court from the principal, if he were now alive, because he possessed an interest or share in the pursuer's banking concerns, and was consequently an interested party."

Mr. Jeffrey replied to this objection, that Mr. Likely, at the period alluded to, held a responsible situation under the banking company; and, if he had been alive, would have been both a competent and a necessary witness. Therefore, the evidence of that person coming before their Lordships in the state in which it was given—he at that time not being a partner in the bank, and being an actual witness of the transactions in question—cannot be objected to as hearsay evidence, because the only reason that would make it objectionable does not exist; for the principal himself, because of his death, cannot be produced.

Mr. Grant observed, that he should argue against the admissibility of hearsay evidence, according to the law of Scotland.

The Lord Commissioner described what might be considered an exception to this rule, but wished to hear what precedents the pursuer's counsel were prepared to submit.

Mr. Jeffrey then instanced the case of "Sir G.

Colbrooke & Co. against Douglas," respecting a bill drawn on a house in Ayr. He considered this a case exactly similar to the present; the evidence of the cashier was disputed, but afterwards admitted by the court.

After hearing the argument of the defender's counsel, and a short consultation, the court decided against receiving hearsay evidence of a statement made in conversation, and not upon oath; distinguishing from this rule the case of receiving evidence as to statements made, in the presence of credible witnesses, by an accomplice, which is generally admitted as good testimony when the principal himself cannot be produced.

Examination resumed.—A parcel of notes was given to witness to put away, by Mr. Templeton, the day after Mr. Likely's return from London; thought it was a parcel of the stolen notes, because one, a £20 note, was torn like a £20 note he recollected to have been torn among those that were stolen; it was not worn, but torn down the middle; he particularly recollects it, because there was some talk about having it pasted, and he pinned it together.

Cross-examined by Mr. Grant.—What he meant by saying, he thought there were £20,000 stolen was, he did not count them, but judged from Mr. Hamilton being in the habit of sometimes mentioning the amounts of parcels of notes that he passed into his hands to put away: He is not certain that Mr. Hamilton mentioned the amount on this occasion.

By the counsel for the prosecution.—The letter

now presented to witness is in the handwriting of Mr. Likely.

Mr. Hamilton sworn—Is a teller in the Paisley Bank at Glasgow, and held the situation in 1811. In the inner room of the bank was a vault with an iron door, where the money of the bank was kept during the night; recollects the robbery, which took place on the 13th or 14th July, 1811; left the bank on that Saturday about four o'clock in the afternoon. The money was kept in drawers. They were locked before he left the bank, and the key was in charge of the porter; there were about £14,800, in notes and specie, in the safe; about £14,700 were Scotch notes, except a very few; some of these were of the Paisley Union Bank, about £8000: witness speaks from recollection. Sir William Forbes & Co. were in the habit of forwarding their (the Paisley Union's) notes, which they take up; the box was expected that evening; Sir William Forbes & Co. advised the bank at Paisley always when they forwarded notes to Glasgow. Witness returned to the bank on Monday morning; heard it had been robbed; the two drawers in the safe had been forced, and bore marks of violence; the lid of the box from Sir William Forbes & Co. was broken in two; no money was left in it; there were notes of the Bank of Scotland, and some Stirling notes stolen: recollects Mr. Likely going to London about it; was absent some time—weeks; the notes collected during the day are put in the safe after business, and taken out in the morning; it sometimes happens that money—considerable sum., are not

taken out during the day; witness recognizes the signature of the letter now presented to him to be Mr. Likely's writing.

The letter alluded to in the two foregoing depositions, was one written by Mr. Likely when in London, to the bank, advising that £11,937 had been restored by Mackcoull's wife.

Ninian Hodgert, sworn—Is an accountant in the Paisley Union Bank, at Paisley, and held the situation for twenty years, corroborated the principal statements of the last witness. He received from Mr. Templeton, after Mr. Likely's return from London, a parcel of notes;—counted and entered them in a journal kept by himself, which witness now produced. [As this witness was reading from his journal, and adding together the amount of the different parcels of notes received by him, Mackcoull, who had been perambulating the court, during intervals, occasionally conferring with his counsel and agent, and at other times whispering to several ill-looking fellows of his acquaintance, who were mixed with the crowd, had approached very near to the witnesses' box, and was proceeding to interrogate the witness, when he was interrupted].

The Lord Commissioner.—"Mr. Moffat, you must not interfere here."

Mr. Jeffrey.—"Mr. Moffat, you had a great deal better go round to your own side of the bar:" [On one of the macers interfering, he surveyed him from head to foot apparently with great indignation and contempt, and moved slowly round to where his counsel were sitting].

Examination resumed.—In reply to a question, whether he could swear that he was certain that the notes he received of Mr. Templeton, and counted, were some of the ones stolen, witness replied, "I can swear that I am convinced they were the same."

Patrick Sanderson, Esq. being called, was objected to by the defendant's counsel, as being an interested party, owing to his connexion in the firm of Sir William Forbes & Co., but this gentleman's testimony was subsequently admitted by the court, after it had been distinctly proved by the evidence of Mr. Alexander Callander, the depute city-clerk, and others, that Sir William Forbes & Co. had not now any interest in the prosecution. Mr. Sanderson's evidence went to establish the amount of notes in the box, and the date when it was transmitted to Glasgow. He corroborated the testimony of Thomson and Hamilton.

Mr. John Stewart (the celebrated lecturer on botany since dead), sworn.—Was a clerk with Sir William Forbes & Co. in July 1811; recollects of the Paisley box containing £4,000 and upwards being sent off to Glasgow; and he copied the letter of advice to the bank at Paisley, into the letter book: That he accompanied the porter who carried the box to the coach-office, and paid for booking it.

Margaret M'Aulay, sworn.—Is niece to a person of the name of Stewart, a widow, who, in May of the year 1811, resided at the foot of the Broomielaw, Glasgow: She lived with her at that

time, and remembers in that month three gentlemen, who called themselves Moffat, Stone, [illegible] Down, coming to Mrs. Stewart's house, and taking lodgings. Witness was here asked to describe Mackcoull, which she did, as having large black eyes, black hair, fresh colour, middle-aged, and stout. [Here the defendant was called to be confronted by this witness, but he was not to be found; the obstacle was, however, removed by the witness saying she saw *Mr. Moffat* at the door as she came into court]. Mrs. Stewart removed to another house on 28th May, and Mr. Moffat and his companions went with her; they stayed till Tuesday in the third week of July, when they left; it was fair week; they had no visitors while they stayed; they went out sometimes in the forenoon, and sometimes in the evening; always dined at home; no one ever dined with them; they had a portmanteau, and a single trunk, and a small box which Mr. Moffat [Mackcoull] brought in himself one morning; it was a coarse wooden box, nailed, and about eight or ten inches long; contained, she thought, loose papers; the first night they went out was 28th May, the day on which they removed to the new house, and were out four nights together after twelve, but they *generally went out about ten*, and *came home betwixt eleven and twelve o'clock*; always went out before dinner; recollects Mr. Moffat going to Liverpool, as he said, and being away a fortnight, and returning; when they finally left Mrs. Stewart's, they said they were going to Bristol; she saw Mr. Moffat afterwards in Glasgow jail.

Mr Grant to witness.—When you saw Mr. Moffat at the door of the court, did he run away from you? No; he was standing on the steps, talking to a gentleman.

John Stewart, merchant in Glasgow, son of the deceased Mrs. Stewart, corroborated the testimony of the last witness *in omnibus.*

David Clachar, sworn.—On Sunday morning, before the robbery of the Paisley Union Bank was known, he saw three men sitting on a dyke at the corner of Stirling's road, which is not a great distance from Ingram Street, where the Paisley Union Bank is situated. Mackcoull, *whom he identified,* was one of them. He saw one of them take a parcel of notes out of a large bundle which they carried, count them, and put them back again. He also saw the same man take a quantity of silver from his vest pocket, which he counted over and returned to his pocket. The large bundle they carried was tied in a large red and white striped handkerchief or shawl. They had also a smaller parcel wrapped in a checked napkin. They all three rose and went down Taylor Street, as if going to the High Street. As soon as he lost sight of them, he told his wife that he had seen three men who he thought were robbers; this was about four o'clock in the morning.

James Stirling, porter to a coach-office in Glasgow.—Was guard of the Ayr coach in 1811. Remembers, on a Sunday morning, immediately *after Glasgow fair in July* 1811, between four and five o'clock in the morning, of three men coming

to him, asking for a chaise to convey them to Edinburgh, as one of the three (Mackcod[illegible] whom he now sees in court, said he had a bro[illegible] dying in that city: That the said persons carri[illegible] a pretty large parcel, not so broad *as a gig cus[illegible] ion, but higher than two cushions* put together, and square shaped, and wrapped up in a large handkerchief or shawl: That the second man was dressed in bluish striped trowsers, and was about 5 feet 8 inches in height. He had a great coat, and carried a black leather portmanteau under his arm: That the third man was thinner and taller than the other two, poorly dressed, and seemed a smith or tradesman who had worked over a fire—pale-faced, and not, as to dress, a fit companion for the other two: That the witness took them to Alexander Leith's, and on the way met his post-boy, James Muir, and sent him for horses: That, when on the way down the High Street, to Leith's, the witness offered to carry Moffat's large parcel, but he declined parting with it: That, when at Leith's, they had some rum and milk; and witness saw them go into the chaise, and Alexander Leith handed in Moffat's bundle.

James Muir, sworn.—Was post-boy to Alexander Leith in the year 1811. Remembers, on a Sunday morning, in the month of July in that year, immediately after Glasgow fair, between four and five o'clock, while standing at the cross, of James Stirling, accompanied by three men, coming up to him, and of Stirling asking, if witness's master could give these men a chaise, and

witness sent them to his master, Alexander Leith's house: That witness, shortly after this, got orders from Leith to get a chaise ready: That, when it was ready, the foresaid three persons came out of Leith's house, and went into the chaise: That one of these persons the witness recognized, some months after this in Glasgow jail, as Moffat. He was ruddy-complexioned; a little purpled at the nose; black hair; wore trowsers and boots; and it was he who seemed to take the charge: That witness cannot describe the second person well; but the third one was like a tradesman, and taller, thinner and paler, than the other two: That Leith handed a parcel into the chaise; it was longish, and wrapped up in a shawl or large yellow spotted handkerchief: That witness was told they were for Edinburgh, and to drive to Airdrie: That, at the Gallowgate toll-bar, which was shut, Moffat told the witness to drive quickly, as he had a friend in Edinburgh dying, and he would pay him well: That, when arrived at Airdrie, the waiter at the inn took out of the chaise for them a small black leather portmanteau, and he wished also to take the parcel, but Moffat declined his assistance, and took it out himself.

Alexander Leith, coach-master in Glasgow, sworn.—Remembers, on a Sunday morning, after Glasgow fair, about four o'clock, in July 1811, of James Stirling coming with three men wanting a chaise. That these three men came into witness's house, where they had, while the chaise was getting ready, two gills of rum and two

bowls of milk: That, while drinking, they asked for the nearest way to Edinburgh, but did not tell witness, nor did he ask them, where they were going: That the first of these men was about five feet seven or eight inches in height; stout made, and active; full faced; very ruddy complexion—his nose inclining to purple; large black eyes; short black hair; was dressed in a dark coloured long coat; bluish striped trowsers or pantaloons, light coloured, full made, with boots under them; full neckcloth, as if stuffed; aged at least forty; had a great-coat: That he afterwards saw this person a prisoner in London, charged with robbing the bank, and he then called himself Moffat. The second man was about five feet eight inches in height—lighter made—had trowsers or pantaloons, like Moffat—and had a long dark coloured coat. These two appeared somewhat like gentlemen. The third man was about five feet nine inches high; slender, and not well made; long dark-coloured coat; shoes and light coloured stockings—dress and appearance of a tradesman: That the first described person, whom witness afterwards knew to be Moffat, paid him for the rum, and said he would pay the driver for the carriage: That the third described man carried a small black leather portmanteau with straps; and Moffat had a pretty large parcel tied up in a large handkerchief or shawl, over which he had a rough coarse great-coat, like a driver's coat. Witness said, he would carry this parcel to the chaise for them, which he did, although the said

person seemed rather reluctant, and he handed it into the chaise: That, when handing it in, the said person observed that the great-coat was not much worth, but he would soon get a better one: That said parcel might be about the size of two gig cushions laid one above another, and, as he felt, *contained parcels, as he thought, of papers:* That Moffat seemed to take the whole management: That, on the Monday following, the witness was all day in the country; and, in the evening, on his return home, he heard of the robbery of the bank, and just as he heard of it, the chaise which had conveyed the said three men happened to be returning from her trip, and the thought was immediately impressed on the witness's mind, from considering the circumstance of what he supposed to be the contents of the foresaid parcel, and other things of Moffat, and of the other two, that they were the robbers. He had been told before by the driver, of their anxiety for speed; and he communicated his suspicions to the bank: That, about nine months, or thereabout, after this, the witness went to London for the purpose of identifying James Mackcoull, *alias* Moffat, who had been apprehended on suspicion of the robbery; and he there, accompanied by a waiter from Wellwyn, saw that person at Bow Street, and recognized him as the person he has first described.

James Jackson sworn.—Was post-boy to Thomas Ramsay, innkeeper at Uphall, in the year 1811. Recollects on a Sunday, in the month of July, in that year, of driving three gentlemen

from Uphall to Edinburgh: Does not now recollect their dress, but recognizes Mr. Moffat, whom he sees in court, as one of the three: That they had with them some loose great coats, a small black leather portmanteau, and a pretty large parcel tied in a shawl: That he put down said three persons at the west end of Prince's Street, opposite South Charlotte Street, about half-past one o'clock in the forenoon, and Moffat, who seemed to take the management, paid him the hire; but he did not observe which way they went on leaving the chaise.

John M'Cousland, innkeeper at Cambusnethan, sworn.—Kept the St. Andrew Tavern in Mid Rose Street, in 1811, and for some years previous to that period. Recollects on a Sunday, in the month of July 1811, of Mr. Moffat, whom he now sees in court, and two other gentlemen, coming to his house. Cannot specify the time exactly, but thinks it was during the interval betwixt the forenoon and afternoon service: That Mr. Moffat, whom he formerly knew, having seen him in his house some years previous to that period, desired him to get dinner as quick as possible, as they were just about to leave town: That as soon as they had dinner, they departed, and he does not believe they were above one hour and a half, or two hours in his house. They had a small black leather portmanteau, and one large and one small parcel with them, besides great coats, which they brought and carried away with them.

Alexander Livingston, merchant in Leith, sworn.—Recollects on a Sunday, in the month of July,

1811, when standing at a window in his house at the head of Leith Walk, a little above Mr. Crichton's coach-work, of seeing a chaise stop in front of his house: That there was one man in the chaise; and a black leather portmanteau and something else was tied on the top, in front: That a few minutes afterwards, he saw Moffat and another man come down the street, and go into the chaise: That Moffat carried a pretty large parcel tied in a handkerchief; and he thinks the other man also carried something: That he had frequently seen Moffat some years previous to this, and heard that he had been charged with picking a gentleman's pocket in the pit of the theatre; and, as he was going into the chaise, he pointed him out to Mrs. Livingston, as being a very bad character, and observed, that he should not be surprised to hear that he and his companions had committed some robbery.

[During the whole of Mr. Livingston's evidence, Mackcoull eyed him with attention, and looked around with a malignant grin, when he heard the circumstance at the theatre mentioned; and sneaked out of court when he heard the next witness named].

George Johnson, residing at Tadcaster in Yorkshire, sworn.—Was waiter at the Talbot Inn in Darlington, in the county of Durham, in the year 1811: That three men came to his master's house, in a chaise and four, from the Queen's Head Inn in Durham, on Monday the 15th day of said month of July, and ordered a chaise and four to be got ready immediately to carry them

to Northallerton: That this was in the afternoon, between three and four o'clock, as he thinks: That the oldest-looking man of the three, a stiff, stout man, with a red and purple face, and whose name is Mackcoull or Moffat, seemed to take the management, and paid the Durham post-boys the hire. By the defendant's counsel.—How do you know that this person's name is Mackcoull or Moffat, and when did you ever see, or hear him called by that name?

Witness.—I saw him yesterday; I mean last night—Mr. Denovan or Mr. Lavender desired me to go, last night, with a man, whom I do not know, but who would bring me into a house where I would have an opportunity of seeing Mackcoull or Moffat, so as to ascertain whether I could identify him or not. This man took me through several streets to a house where he changed his dress, and also disguised my appearance. He then conducted me to a public-house, kept by a man of the name of Leadbitter, near the Register Office: we entered a kind of tap-room, where there were many people drinking and smoking, and, on looking round me, I saw the stiff, red and purple-faced man, sitting in a box smoking; and I heard several people who came into the room call him by the name of Moffat.

Examination resumed.—That one of the three men whom he afterwards saw taken prisoner at No. 5, Tower Street, St. George's Fields, and at the public office, Bow Street, London, and heard him acknowledge his name to be Houghton White when Mackcoull or Moffat paid the Durham

post-boy his hire, was sitting in the window of the room. The witness was thrice in the room, and the three men remained in all about a quarter of an hour or twenty minutes, while the chaise was getting ready, during which time they had two pints of sherry, and some biscuits. The defendant asked the witness if he could cash a £20 Bank of Scotland note; the witness did so, and gave him English notes in return. He then asked him to cash another; but, as neither the witness nor his master had as many small notes in the house, he went to the Darlington Bank, and Mr. Hollandsworth cashed the note, retaining 2s. 6d. of exchange: That the defendant gave the witness 2s. 6d. for his trouble, and 2s. 6d. for cashing the first note. Witness observed a small leather portmanteau, and, as he thinks, two great-coats tied in front of the chaise. Witness asisted in untying them. He also took out of the chaise a thick parcel, about the size of two hats, wrapped up in a shawl or large handkerchief, and brought it into the house: it felt as if made up of paper parcels or packs of cards: Defendant appeared averse to the witness touching this parcel: White sat in the window during the whole time they were at the Talbot; he was very sick, and had vomited. When witness told defendant that neither he nor his master could change the second £20 note, he asked White whether he had any small notes? White made no answer, but took out his pocket-book, which seemed to contain a number of notes—he did not appear to examine them, but shook his head. At this time he

thinks he heard Mackcoull call him by his name, White; at least, he is certain that, on one of the occasions when he entered the room, he heard the defendant call one of them by the name of White, and thinks it was the sick man: That the defendant seemed to take the management, and paid for the sherry and biscuits with silver he took from his vest pocket: Is positive as to the day of the month on which the three men were at his master's house, from the circumstance of his having been taken from Darlington, by the gentlemen of the bank, in a chaise-and-four to London, where they arrived the following evening, when he saw White apprehended by the Bow Street officers; and, four days afterwards, being a Monday, and the 21st of the month, he was examined before Mr. Justice Read at the Public Office, Bow Street. [As the witness was about to leave the box, Mackcoull had come into court, and was pressing through the crowd towards his counsel]. Mr. Jeffrey to witness.—Look at that man. Do you know him? Witness.—Yes. This is the man I saw last night in the tap-room, and the same for whom I changed the £20 note at Darlington.

Henry Cunington, the next witness in succession, being in the last stage of a consumption, his deposition was taken by commission at Stamford, in Lincolnshire, and was read by the clerks of court, in the following manner. [Mackcoull again made his appearance in court, and seemed to listen with anxiety.]

Q. Were you employed as a waiter in the

White Hart Inn at Wellwyn, in the county of Herts, in the months of July and August 1811?

A. Depones in the affirmative.

Q. Do you recollect three men arriving at this inn, one evening in July 1811, in a chaise? How many horses were employed in the chaise?

A. Yes I do: there were four horses employed.

Q. Did these persons make any stay at the inn; or did they immediately proceed forward?

A. They were there one hour and a half, or two hours—and dined at the inn.

Q. Can you describe their appearance? or the appearance of any of them. If so, give the descriptions?

A. White, who was hanged, was a very tall man—nearly six feet high. He was marked with the small-pox; wore worsted stockings and thick shoes; and, if I were to describe him, I should say he looked more like a mechanic than any other description of person—not at all like a gentleman. I recollect another person about five feet eight inches high, about forty or forty-five years of age—a very red face and nose, with dark black hair—a large, quick black eye—rather corpulent—an active-looking man. I do not particularly recollect his dress. I don't recollect, in the least, the appearance of the third person.

Q. Did you observe any thing done by them while they remained in the said inn? How were they employed during that time?

A. While these persons remained at the inn, there was a money transaction betwixt them—for I observed, upon a table of about three feet

square, which was in the room, a number of dirty Scotch bank-notes. The notes were more square in shape than English bank-notes. The person whom I have last described seemed to take the lead in the business.

Q. Did any of them call for pen, ink, and paper, and were any of them afterwards employed in writing on the paper furnished? Did you observe which of the persons was so employed?

A. There was pen and ink in the room—but, according to my recollection, no paper was asked for. I did not see any of the said persons employed in writing.

Q. Did they bring a portmanteau,—and did any of them give directions about forwarding it to London by one of the stage-coaches? Was it fixed to the portmanteau? Do you recollect the address? Describe the size, and the appearance of the portmanteau?

A. They did bring a portmanteau into the room, to which they tied two great-coats, by a cord. I was desired to bring a hammer and nails, to affix a card on the portmanteau—on which card was written the address. I was attempting to affix the card, but the person last described took the hammer and nails from me, and affixed the card himself. The address was to a person of the name of "Skolthorp (or some such name), Tottenham-court Road, London." The portmanteau was about two feet and a half long—black—made of leather, and had two brass letters upon it. I was directed to forward it to London by the first coach next morning,

but I don't recollect by which of the three persons.

Q. Did you accordingly send it off, and was there a great coat tied to it?

A. I sent it off next morning by the old Stamford coach. It had two great coats tied to it.

Q. From the appearance and conduct of these persons, was you induced to make any particular observation respecting them to the master of the inn? If so, do you recollect the observation? Had you ever before seen any of these persons?

A. I observed to my master, that we should soon have another chaise and four up; as I thought, from the appearance of the people and the notes, that a robbery had been committed. I don't recollect ever having seen the parties before.

Q. Were you afterwards shown the portmanteau in London, and where, and at what time?

A. On the Monday following I was shown the portmanteau at Bow Street. I was brought to Bow Street by an officer.

Q. Were you examined on oath before one of the magistrates of Bow Street. A. I was.

Q. Upon that occasion, was any of the three persons, formerly mentioned, shown to you? Did you hear his name, and from whom? Or did you hear him acknowledge his name, and what was it?

A. Upon going to Bow Street, the magistrate asked me if I could recognize any of the persons then in the office as one of the persons I had recently seen at Wellwyn. I pointed out a person as one of the said persons. I did not, while in

the office, hear the person's name, but, from what I heard on being brought up to town, I understood his slang name to be "Huffey White." This person I saw in custody was the person I first described.

Q. Did you afterwards leave the said inn at Wellwyn, and fix your residence in London, and at what time?

A. I left Wellwyn in the March following, and came to reside in London.

Q. Were you, before or after your settling in London, requested to attend at any place in Bow Street, London, and look at a person there, and did you accordingly do so?

A. In the month after (April), I went, at the request of a Mr. Walkinshaw, to Bow Street, to be in attendance, in case I was called for, to be examined at the Public Office. I went into a public house in Bow Street, and there saw one of the three persons mentioned to have been at Wellwyn, in the custody of an officer.

Q. Did you then see and recognize any one of the three persons, who had been at the inn at Wellwyn, as before mentioned?

A. Yes, I did. The person whom I have secondly described was then in custody.

Q. Was the name of this person then mentioned, and what was it?

A. One of the officers said this person's name was Mackcoull.

Q. Can you now describe the appearance of this person?

A. I have already described this person as one

whom I saw at Wellwyn. He had not the same coat on. I should know this person among five thousand men.

Q. Was it this person who used the pen, ink, and paper, at the Wellwyn inn, and wrote the address affixed to the portmanteau?

A. I did not see the address written: It was this person who affixed the address to the portmanteau at Wellwyn.

Q. Was any person present when you saw and recognized this man?

A. Yes: the public house was full of people.

Q. Was there any person or persons present in the room where the above person was shown to you, or at the door of the room, or in any other part of the house?

A. It was in the tap-room of the public house that I saw this person: there were many people in the room.

Q. Do you recollect the names of these other persons, or from whence they came?

A. No.

The next witness called was John Scoltock, blacksmith in London. [On hearing this name, Mackcoull rose from his seat, and attempted to get out of court; but the crowd was so great, that he found it impossible to reach the door before Scoltock appeared. The instant he saw him he changed colour, and sunk by the side of the wall in a kind of faint. He was assisted out of court, and did not again make his appearance for some time.]

John Scoltock, sworn.—That, in the year 1810,

and while he lived at Tower Street, St. George's Fields, in the rules of the King's Bench, of which he was forced to take the benefit, in consequence of having lost a law-suit, Houghton White came to lodge at his house, in the character of a coal-merchant, having previously sold him coals for his smithy to the amount of fifteen pounds, for which he granted him his note of hand. After White had lived at his house for some time, he became acquainted with James Mackcoull, who was in the habit of frequently calling on White, and also Harry French, but he knows less of French than of the other two: That, after they became *well acquainted*, he was prevailed on by Mackcoull and White to make them an assortment of skeleton keys, blanks, pick-locks, punches, files, and other implements of house-breaking, both in 1810 and 1811: That the box, containing articles of that description, which was found in his shop by the Bow Street officers, which came by one of the carriers from Glasgow (and which he now sees in court), was furnished by him to Mackcoull, previously to Mackcoull, White, and French leaving London for Glasgow: That the robbery of the bank at Glasgow, and *other jobs*, had been long planned by Mackcoull: That, on their arrival at Glasgow, none of the keys in the box were found to answer the purpose: That Mackcoull wrote and informed him of this by letter, and desired him to send down other keys, as described in his letter, by the mail, which he accordingly did in a small wooden box, six or eight inches long, by

three or four inches in breadth; and the keys were packed in the box with shavings of wood: That Mackcoull frequently wrote him as to the keys wanted, and sent him drawings from which he endeavoured to fashion the keys he sent in the box; but, as they were found insufficient to open the bank doors (having simple, old-fashioned locks), Mackcoull came to London in person to have the mistake rectified; and, as he informed the witness, told his landlord that he was gone on business to Liverpool: That, on this occasion, Mackcoull brought with him a wooden model of the key-hole and pike of the lock, which enabled the witness to do the needful, and make the proper key: That Mackcoull only corresponded with him, and he believes that neither of the other two could write: That the letters he so received from Mackcoull all bore the Glasgow postmark: That he received several letters from Mackcoull while in Glasgow, with drawings of the keys he wanted, which he has since destroyed; and he wrote several letters to Mackcoull, while there, which, as well as the small box with the keys, were addressed to the care of a widow woman, whose name he does not now recollect: [The witness was now shown the box of keys (by Mr. Denovan, who attended in court), and was desired to point out those he made by written orders from Glasgow, and sent in the small box, and the key which he delivered to Mackcoull when he came to London.] The witness accordingly picked out three keys, a large and two small ones, which he stated to be the same he had sent

in the small box to Mackcoull; but said that the key he delivered to Mackcoull in London was not in the box shown him, and could not be there, because that box had been sent by the carrier from Glasgow previous to the robbery, whereas the bank had been entered by the key delivered to Mackcoull. A curious skeleton key, made of pewter, was shown to the witness, and he was desired to say whether it was of his workmanship or not? He said the key was made by Huffey White, he believed, in Glasgow, when the keys sent in the small box were found not to answer. White mentioned this to him: and he never heard of such keys having been made by any other man than White.

The witness was now shown the lid of the box, on which the following address appeared:—"*To Mr. Little, at Mr. Scaltop's, Stove-grate Manufacturer, 96, Tottenham-court Road London,*" and desired to say whose handwriting it was: "It is the handwriting of James Mackcoull."

By the defendant's counsel.—"How do you know it to be the handwriting of the defendant?" "Because my name is Scoltock, and he always writes it *Scaltop*—all his letters were addressed to me in the same manner—I know the hand well:" That, previous to the robbery of the bank, he

* Scoltock, on being privately questioned about the pewter key, after the trial was over, declared that White had made the same from the chamber organ which he had purloined from his lodgings; and we find, on inquiry, that this is strictly true, such an article having actually disappeared; but the *gentlemen* were not suspected!

knows that Mackcoull, White, and French left London in a post-chaise, or hired coach, for Glasgow, with the intention of getting into some of the regular coaches on the road: That a black leather portmanteau came to his shop in Tottenham-court Road, addressed the same as the box of keys, which he carried on his shoulder from thence to his house, No. 5, Tower Street, and put into White's room, where he afterwards saw it seized by the Bow Street officers: That, on their return, both Mackcoull and White were at his house, and conversed with him on the subject of the robbery: They said they had done the job.—Thinks White said this: Mackcoull observed, that the witness was poor, and should be well paid, and, to use his own words, added, "Little one, thou shalt be rewarded." Mackcoull said to witness, "You would hardly credit what a precious lot we've *grabb'd*, and what sort of notes they are—like dirty, coarse brown paper, and d——d heavy." He said to White, "Huffey, we shan't sell 'em, but go down into the country and smash 'em." White replied, "Jem, we're doing wrong, you or me should go to the other man." Mackcoull replied, it was very true; said he would go to the other man, whom the witness understood to be French, immediately; and left the house with an assurance that he would come back and sup with them, but he did not return: That Mrs. White came into the house as Mackcoull went out. Knows, from the conversations he had with Mackcoull and White, that they had robbed a bank in Glasgow, and that the robbery

was planned by Mackcoull: That, a short time after Mackcoull left the house, as before deposed to, the Bow Street officers came to his house and searched it, and, on finding Huffey White, they took him, as well as the witness, his wife, and Mrs. White, prisoners to Bow Street: That, after the £12,000 had been given up by Mackcoull and his wife to the bank (as they informed him), he, the witness, frequently reminded Mackcoull of his promise, adding, that he could afford and ought to pay well, seeing he had kept back so much of the money, when Mackcoull answered—"Well, little one, have patience. I must go into the country and *smash* them first, and that is not such an easy job, as they are eyeing me in all quarters. But when I get them smashed, you shall be satisfied."

Mrs. White sworn.—Is the widow of the deceased Houghton White, who was executed at Northampton for the robbery of the Leeds mail, in August 1813: Knows James Mackcoull, the defendant in this cause, and saw him below stairs, as she was entering the court: That, in the summer of 1811, and on his return from Scotland, her late husband called for her one morning at three o'clock: She was astonished to see him, not knowing that he had escaped from the Hulks. He told her he had been in a good thing, and had got plenty of money: That he proposed going abroad, "as he had now enough to live upon," and would take her with him if she chose; and if not, she might remain where she was, and he would settle a guinea per week on her, as long as

she lived: Said he was going somewhere, but would return in a fortnight, and would give her that time to make up her mind on the subject: That he gave her ten pounds, in bank of England notes, and two pounds in silver, and desired her to go and relieve sundry articles she had pawned, which she accordingly did: That next day her husband sent for her to come to him to the house of John Scoltock, a blacksmith who resided at No. 5, Tower Street, St. George's Fields, in the rules of the King's Bench prison: That she went there in the evening, and, as she was about to enter the door of the house, James Mackcoull came out, who asked her how she did, and passed on: That, on going up stairs, she found her husband, and expressed to him her fears for his safety in such a place, the more especially as she had seen Jem Mackcoull coming out of the door; but he said, "it's all very well—we've nothing to fear from him." She was told that a goose and green pease were getting ready, and that Jem Mackcoull was coming back to sup with them: That just as the supper was about being put on the table, a knock came to the door, and Mr. Lavender and other Bow Street officers, she believes Mr. Vickery and Mr. Adkins, rushed into the house and seized her husband: That they searched every corner of the house; and, under the bed in the room where they were then sitting, they found a black leather portmanteau, and she saw Messrs. Lavender and Vickery take from her husband's pocket, a pocket-book, containing money and papers: That she, her hus-

band, and John Scoltock and his wife, were carried to Bow Street: That the witness was detained in custody for some days, and, when released, was permitted to carry with her the black leather portmanteau, which, she believes, belonged to Mackcoull, for she never saw her husband use such an article. And she was confirmed in this belief on opening it, for she found it contained two shirts belonging to Jem Mackcoull, and one belonging to Harry French, but nothing which belonged to her husband: That she burned this portmanteau, by desire of her husband, previous to the £11,941 odds being returned by Mackcoull and his wife: That, at the desire of her husband, she called at Mackcoull's to learn how things were likely to be: That she saw both Jem Mackcoull and his wife. Mackcoull told her he had caused his wife give up to the bank £12,000 on condition that the life of her husband should be saved, and that no prosecution should take place against himself and Harry French. Communicated this to her husband, then a prisoner in Horsemonger Lane jail. He flew into a violent passion, and, with the most dreadful imprecations, swore "he would not stand it." Among other things, he said, "What! does the gallows-villain mean to do us out of the rest of the money?—Go and tell him I won't stand it: had all the money been restored, I might have got a free pardon:" That she went back to Mackcoull, but he gave her no satisfaction. He merely said, he had done the thing—that it could not be undone; and seemed to take

great credit to himself for having saved her husband's life: That her husband was shortly thereafter sent to the Hulks: Knows that her late husband, Jem Mackcoull, and Harry French were well acquainted previous to the robbery of the Paisley Union Bank—has often seen them in company together, and has often heard her husband speak of them. Her husband told her he had been to Glasgow with Mackcoull and French, and had returned in a chaise and four. He added, that they had been closely pursued by the Glasgow people; but had they given him only four days more, he would have been off to America.

[The Lord Chief Commissioner. on looking at his notes, put a question to Mr. Jeffrey regarding the evidence of Scoltock, but called him by mistake Klopstock.* Mr. Jeffrey.—I fear, my lord, he has little to do with the Messiah—our friend's name is Scoltock.]

Stephen Lavender, sworn.—Is an officer of the Public Office, Bow Street. Remembers, in the month of July, 1811, of proceeding, with John Vickery and Harry Adkins, both then officers of said office, and some other persons, to the premises of John Scoltock, blacksmith, in Tottenham-court Road, where they found a box of skeleton keys and other implements of housebreaking, and thence proceeded to the residence of the said John Scoltock, at No. 5, Tower Street, St. George's Fields, where they apprehended Hough-

* A celebrated German poet, and author of the poem entitled *The Messiah*.

ton White, and found a black leather portmanteau which had been delivered at Scoltock's premises, in Tottenham-court Road. They searched Scoltock's house, and took him and his wife, and Houghton White, who was a returned convict, and his wife, into custody, and carried them to Bow Street for examination. Has known James Mackcoull for many years. Had no trade or any visible mode of living. Always looked upon him as a common thief and pickpocket, and knows that he assumed the name of Moffat. Witness missed Mackcoull from London for at least two months previous to the robbery of the Paisley Union Bank. On opening the portmanteau found under White's bed in Scoltock's, saw it contained shirts—two of which were marked with the initials J. M. Knows that Huffey White and Harry French were not only notorious thieves, but were both returned convicts at the time they committed the robbery. Also knows that Mackcoull and White were well acquainted, previous to the robbery, and has often seen them together. At the time of apprehending White, saw Mr. Vickery take from his pocket a pocket-book, containing, among other things, a jotting in figures, which was supposed to contain an account of the notes stolen from the bank, which jotting was carefully copied into the daily occurrence book, at the Public Office, Bow Street: There was also found in White's possession £16 in gold and silver, and about the same amount in Bank of England notes: That, when White was found in Scoltock's house, he was immediately identified by a waiter from Dar-

lington, as one of the three men who had stopped at his master's, on their way from the north—This waiter's name is Johnson.

John Vickery, another Bow Street officer, sworn.—Recollects of an application being made to the office, in July 1811, by a Mr. Walkinshaw of Glasgow, regarding the robbery of the Paisley Union Bank's branch in that city; and, in consequence of what was stated regarding a portmanteau which had been sent from Wellwyn, he accompanied Mr. Walkinshaw, and a city officer from Edinburgh, to the Blue Boar Tavern, where the Stamford coach stops, and there learned that the portmanteau, which they described, had been delivered at No. 96, Tottenham-court Road—went there—found it to be the shop of John Scoltock, blacksmith. There were only some young children there, who, on being threatened, told that their father resided at No. 5, Tower Street, St. George's Fields. Searched these premises, and found a large box of skeleton keys, and other implements of housebreaking, which was carried to Bow Street;—then proceeded with Messrs. Lavender, Adkins, and others, to St. George's Fields. Concurred with the preceding witness as to the apprehension of Huffey White and his wife, and Mr. and Mrs. Scoltock: That the book with the jottings was delivered up to Huffey White, as well as the money found in his possession, at the time he was sent off to the Hulks: but the jottings were carefully entered in the occurrence book kept at Bow Street. The witness dictated or read over to a clerk the said jottings, and com-

pared what was written in the book, after it was so entered. The witness said, that, having been desired to do so, he had brought the book with him, and read therefrom the copy of the said jottings, as follows :—

No. 1.	No. 2. *written in pencil.*	
2900 hundreds.	2900	
12 twenty-ones	240	
30 twenty-ones	600	
4900 twenty	4900	
45 ones twenty P.	900	
12 do. of Price	240	
12—20 of Paisley	230	
13—20 of Paisley	2400	—13 6 10.
2400	600	
30—20	500	
25 Paisley	2000	
No. 3.	120	
29.	23	
No. 4.	2	

White told the witness, on a subsequent occasion, that this jotting contained an account taken at Wellwyn inn, of the notes stolen.

The defendant's counsel interrupted the witness, and objected to his repeating any thing which might have been told him by the deceased Houghton White, who was a convicted felon; and whose testimony, even if he had been alive, could not have been received: but, as the defendant's counsel were not prepared to prove the con-

viction of White, or to exhibit a legal certificate of such conviction, the court overruled the objection.

Examination resumed.—After White had been committed to Horsemonger Lane prison, he admitted to witness, that he was concerned, along with Mackcoull and French, in robbing the Paisley Union Bank: That they travelled together in a chaise and four from Scotland; and that they had pretended, at the different inns on the road, as a reason for rapid travelling, that Mackcoull's mother was ill in London. Mackcoull was always considered as a thief, and had no visible mode of maintaining himself: Knows that he was obliged to fly and be absent from London for some years, on account of stolen property having been found in his house.

Thomas Woolley, attorney-at-law, London, sworn.—Knows that James Mackcoull, Houghton, or Huffey White, and Harry French, were well acquainted, previous to the robbery of the Paisley Union Bank; and Mackcoull often told him that he, White, and French, committed it. Mackcoull also often told him he was afraid he would be forced to give back to the bank the sum of money he had secreted, after the £12,000 had been restored by his wife. Had a conversation with Huffey White after he was committed, when he stated, that Mackcoull had, without his consent, given up to the bank about £12,000; but he (White) then thought that the money taken from the bank amounted to £16,000, and that Mackcoull had cheated him.

Had also a conversation with French, after the £12,000 was given up, who said the same thing, and threatened to shoot Mackcoull: Knows that Mackcoull was in hiding after the money was returned by his wife: Knows that he was advertised: Lived with a prostitute of the name of Reynolds, by whom he was concealed: Knows that he was apprehended by the Hatton Garden officers, and sent to Glasgow: Knows that, when so apprehended, the said Mrs. Reynolds and Ann Wheeler, *alias* Green, his sister, were in his company, and were also taken to Hatton Garden: Knows that Mackcoull frequently assumed the name of Moffat, and also of Martin; and Mackcoull told him that he had been convicted, under the latter name, at Chester in 1810, as a rogue and vagabond, and committed to the Castle of Chester for six months: Knows that Huffey White was in his company when apprehended, and was proved a returned convict: Knows that when Mackcoull, White, and French left London to rob the Paisley Union Bank, the two former had no money; and that French sold his household effects to raise funds for that purpose.—Previous to leaving London, Mackcoull was poor, and very shabbily dressed. He depended merely on his wife, who kept a house of a certain description in Oxendon Street, Haymarket: He used to frequent the theatres and pick pockets; and his wife allowed him, by agreement, five pounds a fortnight to keep his pocket: Knows that his mother was a noted thief; his sister, Ann Wheeler, *alias* Green, a loose woman and noted shop-

lifter; that his younger brother Benjamin was hanged; and his older brother John Mackcoull, had been tried for forgery: Knows that Mackcoull had to fly from London in the year 1801 or 1802, on account of stolen property having been found in a house of a similar description, kept by his wife in Clifford's Inn Passage: He then assumed the name of James Moffat: Told witness, on his return from Hamburg, that he pretended, while there, he was a merchant, but subsisted by gambling, and had made a good deal of money in that way. Knows that Mackcoull frequently assumed the name of James Martin. The witness was here shown a retired bill of exchange, for £300, dated 5th August, 1812, drawn by the Commercial Banking Company, on Messrs. Bruce, Sime, Freer, and Company, at fifty days after date, payable to and indorsed by James Martin; and asked if he knew by whom the said indorsation was written—"Yes, I know it well—it is the handwriting of James Mackcoull." The witness was then shown the letter, subscribed James Martin, bearing the Brighton post-mark, which had created so much laughter in court, when read by Mr. Cockburn, and asked if he knew by whom the same was written? Knew it well,—the whole of the letter, as well as the subscription James Martin, was of the handwriting of John Mackcoull, the defendant's brother. The defendant's counsel handed the witness a written paper, and asked him to say, of whose handwriting it was? It was the handwriting of John Mackcoull; desired to compare

the same with the letter subscribed James Martin, and say whether they were both of the same handwriting? Were both of the same handwriting, differed in appearance—nothing wonderful in that.—Jack Mackcoull could write several hands, and model them to his purpose!—Has known James Mackcoull by the names of Moffat, Martin, and Ibell—has letters in his possession written and subscribed by him in all of these names. Knows Mary Reynolds who keeps a house of a certain description in London Street, Tottenham-Court Road. Knows that Mackcoull lived with her, and had a great part of the bank-notes at one time in her keeping. Knew James Harrison, her brother—the bully of her house, an idle, drunken fellow, and constant companion of Mackcoull—he died in 1816. Believes he was a deserter from the army. Mackcoull told him he had returned to the bank, through Mr. Harmer, then his attorney, £1000 of their money, and he was glad to do so to get out of Glasgow jail.

William Gibbons, coach-master, in London, sworn.—Knows James Mackcoull. Knew the late Houghton or Hulley White and Harry French. Knows that these three were well acquainted previous to the robbery of the Paisley Union Bank, and has often seen them together.

By the defendant's counsel.—Mr. Gibbons, do you know James Moffat, the defendant in this suit? No; I do not know any person of that name.

Mr. L'Amy.—Where is your client, Mr. Grant?

call him in; and I have no doubt the witness will identify him by his proper name. After some little demur, Mackcoull was got from among the crowd, and came slounging down by the side of the witnesses' box, and stood in such a direction, hanging down his head, that Gibbons could not see his face. Counsel for the defendant.—"Witness, do you know that man?" Gibbons, to Mackcoull in a loud whisper—"Jem, hold up your head—I can't see you." Mackcoull looked up. Witness.—"Yes; this is Jem Mackcoull—I never *know'd* him by any other name." French told the witness that he had sold his effects to raise money to carry them to Glasgow, Mackcoull and White being very poor at the time. Mackcoull called on the witness, after the robbery of the bank in Glasgow, and deposited with him a parcel of Scotch bank-notes, which amounted to 13,000, 7 or 800 pounds: That Mackcoull was, on this occasion, accompanied by his mother. Witness secreted these notes, and had them in his possession for some days. Mrs. Mackcoull called on him after Huffey White was apprehended, and agreed, at first, that they should be returned through him, by means of Mr. Vickery, the Bow Street officer, to the bank, to save the life of Huffey White. She afterwards called on him, and got them away, saying, she had found out another way for them to go back—told him that a pardon had been got for White, and that neither Jem, meaning her husband, nor French were to be prosecuted for the robbery. She afterwards told him, she had given up about

£12,000. Mackcoull was then in concealment and for some months afterwards: He lived with a Mrs. Reynolds, who then resided in Rayston Street, St. Pancras, near the Foundling Hospital and afterwards in Kenton Street, Brunswick Square. He was apprehended at the latter place, in 1812, by the Hatton Garden officers, and sent to Glasgow. Witness was both at that office, when he was in custody there, and spoke to him, and also at the coach-office, when he took his departure for the North. Spoke to Huffey White after the £12,000 was returned—White complained that Mackcoull had cheated him—thought the bank was robbed of £16,000, for they had counted the notes at Wellwyn: Knows that neither White nor French could write—saw Harry French frequently, after the negotiation; and, after Huffey White was sent to the Hulks, heard French often say, he would shoot Mackcoull, if he found him, for cheating them out of the money. Has seen Mackcoull in company with James Harrison, the brother of Mrs. Reynolds. Saw Mackcoull, in 1815 or 1816, going to a ring-match, near London, and spoke to him. In the course of conversation, witness remarked to him, that they were all down upon him for *bucketing his pells*,* and doing White and French out of so much money. Mackcoull answered, sulkily, "it was nobody's business."

After the evidence was closed, Mr. Jeffrey begged the court would grant damages to the

* Concealing a part of the booty.

pursuers in this case, which had cost them a great deal of trouble and vexation.

The Lord Chief Commissioner said, the jury would decide upon that point.

Mr. Grant addressed the jury on the part of the defendant. In whatever else they might agree or differ with him that he might think it his duty to state, in addressing them in this case, he had no doubt but they would be of his opinion in this —that the question they had to try was one of the most extraordinary ever brought forward in a court of civil jurisdiction. He had no doubt they had long ago forgot that they were not sitting in a criminal court. In one respect he had to impress upon them, that they were in fact judging of a criminal case; for, when the imputation was such as it was here, that of a crime of the highest description, they were bound to apply to the evidence the same strict rule as in a criminal case. He urged, on the part of the defendant, that, from the prosecutor's own statement, they must take it that the bank had received £12,000 from the defendant's wife, as the price of White's life; and had obtained from him the sum of £1000 through the medium of his agent, Mr. Harmer, and a bill for £400 from himself, as the price of his own release from jail. Whether this was true, was not now the question. If it was true, it was clear that these bankers had either been guilty of the crime of theftbout, or compounding a felony, for which they ought to be indicted and tried; or, by their acceptance of these several sums, they had discharged the de-

fendant of their claim for civil damage. And, as no person is entitled to found a plea on his own crime or fraud, the jury were bound to hold that these sums were received *not* as a compromise of the criminal prosecution, but as a discharge of the civil damage; and consequently, the defendant was entitled to their verdict. The whole of the evidence was derived from a contaminated source, there being no single witness, not of infamous character (with the exception of the gentlemen of Bow Street), who directly connected the defendant with the robbery. Mr. Grant did not mean to state that the jury were to take the law from the court. He thought the evidence derived from White ought not to have been received; first, because it was hearsay evidence only; and secondly, because it was evidence derived from a person who, if he had been alive, could not have been put into the witness-box as a witness, being a convicted felon, returned from transportation, and therefore incapacitated. Against this decision of the court he had thought it his duty most respectfully to except as a point of law, which required to be settled by the court of the last resort; and this, he was aware, was his proper remedy. But he urged to the jury, that, it being admitted, if he could have produced the record of the conviction of White, evidence of what he had said could not have been received; and he having no notice that such evidence was to be given, and it being therefore impossible for him to be prepared with the record, they ought to give him the benefit of the proof

of the fact of his conviction, which had been proved out of the mouths of the pursuer's own witnesses; and then, wiping from their notes and their memory all that White is reported to have said, they would determine whether there was sufficient evidence.—Mr. Grant maintained there was not.

The evidence was then recapitulated in a very comprehensive manner by the Lord Chief Commissioner.

The jury, after retiring for about twenty minutes, returned with a verdict, finding for the prosecutor on all the three issues; but finding the defendant liable in no damages.

It was about half past ten o'clock when the verdict was pronounced; but the crowd was so great that it was nearly eleven o'clock before the court was cleared.

James Mackcoull was served with an indictment on the 18th day of May, to stand trial before the High Court of Justiciary on the 12th of June following. Three days after the Jury Court trial, he was arrested and put in jail for a debt of £70; for so much was a proportion of the public prepossessed in his favour, that he was accredited to this amount, and the macer of the Court of Justiciary served the indictment upon him in the prison, in presence of two of the turnkeys: But, in making out the execution or return of such service in writing, although he mentioned the names of the turnkeys before whom he delivered the copy of the indictment to the prisoner, and although the turnkeys subscribed the execution

in testimony of such delivery, yet he omitted the words of style, "witnesses to the premises present thereat, and hereto with me subscribing." When, therefore, the court met on the 12th, Messrs. M'Neill and Menzies, who had been prevailed on to undertake the defence, and by whom the same was very ably sustained, took an objection to the relevancy of the proceedings on this account; and, after hearing the counsel for the crown, in reply, the court deferred giving any decision until the 15th of the same month, when the prisoner was again put to the bar, and the subject having been fully debated by the counsel on both sides, the Lords delivered their opinions at length; and, by a plurality of voices, the objection was repelled. The Lords directed the trial to proceed on Monday following, the 19th of June.

The Lords took their seats on the bench precisely at nine o'clock, and the prisoner was placed at the bar betwixt two police serjeants, who sat by him during the whole of the trial, with their hats on, in imitation of an ancient custom which obtained during the existence of the old city-guard, two of whom sat, at Justiciary trials, on each side of the prisoner, with drawn bayonets, and having their cocked hats on. —We cannot, however, see the propriety of a mere serjeant or watchman, who is a civil officer, sitting in court with a round hat on: Why are the macers, the proper officers of court, uncovered? and why is a prisoner, if he must be guarded, not put under the charge of the macers? In

England, a prisoner is placed in an elevated dock or box; he must stand, and can only be indulged with a chair, on applying to the court, and a kind of board before him is emblematically strewed with *rue*. He is entirely left to himself; but the governor of the jail from whence he is brought, and in whose custody he is presumed to be until acquitted, sits behind him in a dock or box, appropriated for such officer. The crowd collected on the occasion of Mackcoull's Justiciary trial was much greater than on that before the Jury Court. The Parliament Square was filled at an early hour in the morning, by people from different parts of the country; and the pressure in the inside of the court, and the passages leading to it, was so great, as at times to interrupt the proceedings. The Lord Justice Clerk more than once observed from the bench, that if silence and order were not kept, the macers should be ordered to clear both the gallery and court, of strangers.

All the witnesses that were adduced on the part of the bank in the Jury Court, were now cited, in virtue of the statute, 54. Geo. III. and appeared as evidences for the crown. Mr, Sayer, the Bow Street officer, who *refused* to attend the Jury Court, was now brought forward, and proved the restitution of the £12,000 through Mackcoull's wife—the character of Mackcoull, and his connexion with White and French previous to the robbery of the bank. Mr. William Adkins, governor of Coldbath Fields prison, and for many years a Bow Street officer of eminence, who had

not been called in the Jury Court, gave evidence to the effect stated in the Appendix. Every possible exertion was made by John Mackcoull and the other friends of the prisoner, in London, to prevent the attendance of those witnesses who resided in that city, and whose evidence connected the prisoner with the robbery of the bank. Mrs. Mackcoull had been cited merely for the purpose of being identified by Sayer as the person by whom the notes were returned; and, although every argument had been made use of by her husband's friends to prevent her, she came down, in terms of her summons, and appeared in court. It was remarked that Mackcoull's countenance underwent not the smallest change on seeing his wife. He turned not his head, but merely surveyed her with a side glance for a moment. Mrs. Reynolds, it was also intended to bring forward; for her evidence would have established the concealment, by the prisoner, of the remainder of the notes. She was regularly cited, and, although she thereby exposed herself to a severe penalty, she not only refused to attend, but went into the country, where she remained until the trial was over, to prevent the officers from apprehending her, and bringing her as a prisoner to Scotland. Gibbons, in spite of both promises and threats, came down, and gave evidence as on the Jury trial; but Scoltock, the blacksmith, was so much intimidated by the means that had been used by Mackcoull's friends in London, to deter him from attending, that he absolutely fled from his house. After

much trouble, he was perceived coming down the Haymarket, in disguise, by Lack, one of the Bow Street patroles, who held the warrant for his apprehension. Scoltock, however, on seeing him cross the street, ran off, and was pursued by the officer. A friend of Scoltock's came from an entry near the foot of the Haymarket, and attempted to prevent the officer from taking him; but Lack drew his pistol, desiring him to stand out of his way, or take the consequences, and, calling to Scoltock to stop, pursued with alacrity. Scoltock, trusting to his heels, had nearly reached Charing Cross before the officer seized him, and, having handcuffed him, carried him to Bow Street. As this took place on the evening of Friday the 16th, and as the trial had been put off until Monday the 19th, not a moment was to be lost in conveying Scoltock to Edinburgh. On inquiry at the office, it was found that all the seats in the mail were taken, and, as there was no other coach by which the prisoner could be brought in time for the trial, he was immediately sent off in a chaise-and-four, with Lack and another patrole, for the North. The mail was gone before they left London, yet they reached Edinburgh just as the court met. He was delivered by the patroles into the custody of Mr. Donovan, at the Black Bull, who brought him into court a little before ten o'clock. Mackcoull had been taught to believe, by advices from his brother, that Scoltock would not come down, and, from this and other circumstances, he foolishly indulged the hope of an acquittal. When Scoltock, therefore,

appeared in the witness-box, the agitation of the prisoner was very perceptible; and he was observed to grind his teeth, as if suffering from excessive pain. At other times, and when some of the other witnesses were under examination, he affected to be in good spirits, and wished his counsel to put some foolish questions to them. When Woolley, the attorney, was in the box, and had said something regarding Gibbons, Mackcoull, who was dreadfully exasperated against him, prevailed on his counsel to ask him, if he knew that Bill Gibbons was a bull-hanker; to which Woolley indirectly replied, "that many *gentlemen* were fond of that amusement," and this creating a laugh in court, Mackcoull joined in it with evident satisfaction. The evidence of Mrs. White would have been still more conclusive against the prisoner; but it was deemed unnecessary to enter on the subject of the concealed notes, when the fact of the robbery was established: That part of her statement is therefore given in the Appendix. Towards the conclusion of the trial, Mackcoull often looked round him, with a kind of vacant stare, and was frequently observed to mutter and grind his teeth. When the jury returned a verdict of guilty, he gave a malignant grin; and when the Lord Justice Clerk pronounced sentence, he stood up with firmness, and bowed respectfully to the court.

On being carried back to the jail, his whole stock of fortitude and resolution left him. He appeared to be overwhelmed with despair, and observed to the governor, with much emotion,

that "had the eye of God not been upon him, such a connected chain of evidence never could have been brought forward."

Mackcoull had not been long in jail before his usual flow of spirits returned; and although confined in the condemned cell, and fixed by a short chain to a bar of iron in the floor, styled "the gaud" (a cruel and unnecessary practice still sanctioned in Scotland), he received the many strangers who were led by curiosity to visit him, not only with cheerfulness, but passed his jokes and *metaphors*, as he called them, very freely on such as, by their manner or conversation, did not please him. But it is allowed by all, that his mental faculties were, at times, impaired; and that he frequently wavered, and knew not what he said.

Although he had treated his wife very ill, and had never lived with her since 1812, she came forward, voluntarily, after his trial, and, during the whole period of his confinement in jail, supplied him with every necessary, even to profusion. Indeed, strangers had sometimes reason to remark that he was too well kept.

On leaving him for London, which she did a few days after his conviction, to petition Government for a reprieve, he expressed his satisfaction of her conduct—acknowledged he had used her ill, of which he sincerely repented; and assured her, that, for the future, she should never be absent from his mind. The lady, however, doubted his sincerity, and told him frankly, that, before twenty-four hours were passed, she would be

miles from his thoughts. "No, Ruth, you do me great injustice," he said, and taking out his pocket-book, he deliberately wrote her name with a pencil on the first leaf, and, holding it out to her, exclaimed, "Look here, unbelieving saint, thou shalt never be from my heart!"

On the 14th of July, a respite for one month was obtained from the Secretary of State's Office for Mackcoull, and three weeks thereafter he was reprieved during his Majesty's pleasure.

Previous to the arrival of either of these documents, Mr. Denovan, who happened to be in Edinburgh, called at the prison, and, taking advantage of Mackcoull's situation (for he was then doubtful of receiving a respite), conversed with him for some time in his cell, in presence of the governor. He told Captain Sibbald he intended to ask Mackcoull a single question relative to the murder of Begbie, but would first humour him by a few jokes, so as to throw him off his guard, and prevent him from thinking that he called on him for any particular purpose; but desired Captain Sibbald to watch the features of the prisoner, when he (Denovan) put his hand to his chin, for he would then put the question he meant. After talking for some time on different topics, Mr. Denovan put this very simple question to the prisoner—"By the way, Mackcoull, if I am correct, you resided at the foot of New Street, Canongate, in November, 1806—did you not?"—He stared—he rolled his eyes; and, as if falling into a convulsion, threw himself back upon his bed! In this position he continued for a few

moments, when, as if recollecting himself, he started up, exclaiming *wildly*, "No, by ——! I was then in the East Indies—in the West Indies —What do you mean!?" "I mean no harm, Mackcoull," he replied "I merely asked the question for my own curiosity; for, I think, when you left these lodgings, you went to Dublin —is it not so?"—"Yes, yes, I went to Dublin," he replied, "and I wish I had remained there still—I won £10,000 there at the tables, and never knew what it was to want cash, although you wished the folks here to believe that they locked me up in *Old Start*,* and brought down your friend Adkins to swear he saw me there— this was more than your duty." He now seemed to rave, and lose all temper, and his visitor bade him good night and left him.

About this time, many people who knew Mackcoull by seeing him in coffee-rooms, and other public places, and who firmly believed he would undergo the sentence of the law, came to visit him and bid him farewell. And, although the greater proportion of these individuals were led to his cell to gratify their curiosity, yet many were actuated by very different motives, and went to administer to the convict such spiritual consolation as they were able, and to prepare him for his approaching dissolution.

Of the latter description was a person who, in his younger days, had been very wild and much addicted to gaming; but, as old age approached,

* Newgate.

became extremely pious. He is, we believe, a strong pillar of the Missionary Society, and is noted for his zeal and support to the cause of religion.—He came accompanied by a friend, a missionary, whom he introduced to Mackcoull as a kind of prodigy, who had travelled Germany, Poland, and Silesia, and had made many converts "even among the Jews." Mackcoull received his visitors very kindly, and soon began to question the misssonary so rapidly as to his travels in Germany, that he was glad to fly to Poland and Silesia, when he heard Mackcoull had not been there, so as to introduce the object of their call. He told Mackcoull that the people in Poland were so bigotted in favour of their own tenets, and so grossly ignorant, that they were the mere tools of their priests, and that no good could be expected to result from sending missionaries among them. "But," added he, "I have much better hopes of the people of Silesia—bigotry and superstition among the higher classes is certainly carried to a great height, but the lower orders are left to themselves nearly, in matters of religion, and therefore we have the better chance of getting them to listen to instruction. In many places they are entire strangers to traffic as they are to religion; and, although their lives are simple, yet that simplicity is *metaphorical*, for, like a man who has led a criminal life, they never think of a hereafter, until they are in trouble, or, like you Mr. Mackcoull, when condemned to die by the hands of the executioner. In some places, indeed, they are almost in a state of nature, and,

in the selection of their viands, display as little taste as in that of their clothing; for, although they have every variety of animal food in abundance, they actually kill and eat the jackass."—"Stop, stop," said Mackcoull, "I do not like *your* metaphor, but will give you mine.—I do not believe you; your story is certainly false, and I will prove it to be so. For, if these *seedy clapperdogeons** eat jackasses, how the devil did *you* get out of their country?"

After the month of August, Mackcoull fell into a natural decline, which affected his mental faculties so much that he became altogether silly and childish. He was haunted in his sleep by frightful dreams and visions, and frequently started up with such dreadful cries, and horrible expressions and imprecations, that none of the other felons could remain in the cell with him. He was visited occasionally, not only by the regular Ordinary of the jail, but also by several eminent divines, to all of whom he behaved with becoming respect, but generally refused or declined to enter with them on religious subjects. Sometimes, however, it is said he attributed this obduracy to the want of a religious education, and the very slight acquaintance he had with the Bible. Previous to his death, he was so much emaciated, that those who saw him at the trial could not again recognize him; while, from the time of his conviction, it was remarked, that his hair began to change colour:—At that period it

* Poor beggars.

was jet black, but, in the course of three months, it became silver grey. He died in the County Jail of Edinburgh, on the 22d day of December, 1820, and was decently interred, at the expense of his wife, in the Calton Burying-ground.

THUS terminated the mortal existence of a man who seemed destined by nature for a better fate. That he possessed abilities which, with honest and industrious application, might have rendered him a useful member of society, cannot be denied: But it is difficult to overcome the effect of early impressions;—he was reared and nurtured in a hotbed of vice. He felt no spur, no incentive to virtue; and he implicitly followed the impulse of a polluted conception. His whole life may thus be considered as one uninterrupted career of villany almost without a parallel. That he did not expiate his crimes on a gibbet, was merely owing to circumstances which are not worth explaining;—but, during the period of his imprisonment, he suffered many deaths. Of the fatal tree he spoke without fear; but the dread of a future tribunal paralized his understanding:—He saw and trembled at the approach of that unerring shaft which no earthly ruler could control; while the horrors of his mind, by affecting the nervous system, accelerated his dissolution:—the retrospect of his life often obtruded itself with new modifications of insupportable reflection—the prospect of futurity he could only contemplate with fearful apprehension:—He felt the wakening of a seared conscience, from which

there was no retreat—He crawled about, grinding his teeth—his intervals of slumber were broken and interrupted with the most frightful visions; and he saw the hairs of his head become grey with anguish! The picture is too horrible to finish——To religion he was a stranger—a total stranger in this hour of need: he felt not her soothing influence—he cherished not the hope of forgivenness or mercy—Unhappy man! he looked to God as to a cruel and vindictive ruler, at whose hands he could only expect the full punishment of his crimes—his resignation was despair!

How inestimable, then, are the blessings of a virtuous and religious education; for it is religion only that can impart consolation to the penitent criminal—that can soothe his mind, and direct his steps to the throne of mercy—not, however, as to that of a tyrant, who longs to punish and condemn; but will teach him to regard his great Creator, as the kind—the indulgent parent of the universe, "who waits to be gracious,"—whose ear is ever open to the cry of the penitent—whose heart is ever ready to pity and forgive his creatures—who regards them with the paternal affection of a father—is happy in their happiness, and associated to their natures by the endearing characteristics of benignity and love.

FINIS.

APPENDIX;

CONTAINING

The OPINION of LORD GILLIES, in MACKCOULL'S PROCESS *with the Paisley Union Bank, in June* 1816;

LETTER from JAMES MACKCOULL to LORD SIDMOUTH, in January 1820; *and*

MR. *DENOVAN'S JOURNAL in TRACE of the ROBBERY from Glasgow to London, &c. in January,* 1821.

APPENDIX.

No. I.

OPINION of LORD GILLIES, given at a Pleading in the ACTION of MULTIPLEPOINDING, CALLENDER against MOFFAT, and upon which the Action of Reduction was brought.

THIS is an action of Multiplepoinding, brought in the name of Mr. Callender, depute city-clerk of Edinburgh, against James Moffat and the Paisley Union Bank, to have it found to which of these parties three bills, amounting to £991, belong; which were taken off the person of Moffat, by order of Johnston the magistrate, and put into the hands of Callender, in his official capacity of clerk of court.

As to the person who has right to these bills, I have not a shadow of doubt. The Paisley Union Bank have not shown to me one ground upon which they can claim the property. It was found upon the person of Moffat, and must legally be presumed to be his, unless some other party can show that it is his. The Bank and their counsel have here urged one objection, upon which they have laid very great stress: and it is this,—that these bills cannot belong to Moffat, and must remain *in manibus curiæ*, because they are not taken payable to Moffat, but to a person of the name of Martin.

This objection I conceive to be entirely unfounded. Suppose, for instance, that the bank had laid hold of me (which they were as well entitled to do, as to lay hold of Moffat), and found upon me bills payable to A. B. C. D. or E. are they entitled, because their bank was once robbed, to say, that these are not my bills, because they are not made payable to me? Certainly not: The thing is altogether absurd. The property is unquestionably mine, unless the bank can legally show that they have better right to it.

I am ready to pronounce a decree of preference in favour of Moffat; but I am afraid such decree would not avail him against Callender, the city-clerk, who, it appears, by order of the magistrates of Edinburgh, paid over these bills to the Paisley Union Bank, taking to himself a bond of indemnity from them for so doing. Now, Callender might answer, I have not these bills: I delivered them up under a judicial authority, and that step has not yet been legally challenged.

This case, then, is at present out of shape; and to bring it into shape, and to enable my decree to be availing, it occurs to me that Moffat should bring an action of reduction of the judgment of the magistrates of Edinburgh, which ordered these bills to be delivered up to the Paisley Union Bank; and, when that action of reduction is conjoined with the present action, I will then pronounce my final decree.

No. II.

LETTER—JAMES MACKCOULL to LORD SIDMOUTH.

Edinburgh, January 20, 1819.

My Lord Sidmouth,

The inclosed Bill of Advocation will show your Lordship the extent of power exercised by the *Procurator-fiscal*, an officer of *the Crown*, together with the destructive consequences to the individual, when that power is abused by him.

Though a native of England, it was not in my power to avoid

the torture of his unexampled persecution. I have been dragged by him out of England, nay, from the centre of London, upon an ill-founded suspicion, entertained by him, that I had been guilty of a capital offence—the offence no less than that of robbing the Paisley Union Bank. I have suffered one illegal imprisonment, by him, after another. I have, by a prostitution of his public duties, been stripped by him of my property; £991 was forcibly taken, by him, from my person; and, owing to the present deplorable state of judicial procedure in Scotland, from the supreme down to the lowest judicial establishment of that kingdom, I have, in an action for repetition of my property, been subjected to a litigation of abuse, of irrelevancy, and of calumny, for these last six years, in which I have *already* expended £800. That litigation, my Lord, compounded and perverted in every possible shape, is now, apparently, as near a conclusion as when it first commenced; and the Fiscal and his coadjutors have, with very little delicacy, avowed their intention of prolonging the litigation, to the effect of obliging me, from want of money, to abandon my claim—to return to England as a suspected person found half guilty by the sacrifice of my rights, and covered with that abuse which has throughout been heaped on me.

The Lord Advocate, as a public officer, receives his appointment from the Crown; and though his powers, as I have heard, are not altogether defined, yet we know that a petition from an injured individual will, in any palpable wrong by him, be received by the Commons, whose address to the Crown will operate to his removal.

But, though the power of the Procurator-fiscal appear yet more indefinite, and yet more unlimited, I am not aware that an abuse of *his power* may be punished in the same way. The Crown gives no commission to him; and if, as I understand, his appointment is saleable, and in the gift of the judges before whom he practises, I need look no further for the source of all my misfortunes than to that unconstitutional nomination.

This case, my Lord, is not special to me, but it may be the lot of any Englishman; and the late connivance of the *Procurator-fiscal* exercising such powers, in unison with the Police of Bow Street, is a subject of no small importance to the most sacred rights of Englishmen. Convictions, arbitrary and unlimited

imprisonments, under such a power *over Englishmen*, without proof, and upon petitions without *affidavit*, are novel in England; and the high and extravagant price given, almost monthly, by *culprit offenders*, and *Scottish bankers*, to the Police of Bow Street, for furnishing and sending down into Scotland some ill-fated *Englishman*, whose supposed guilt shall, with the operation and abuse of Scottish law, prevent detection in their more legitimate channels, has, I suspect, rather generated than suppressed these crimes. No crime has, of late, become so frequent as that of robbery of the *Scottish banks*; and while the stale averment, that the crime has been committed by *Englishmen* entering *their Banks* with *false keys*, is pleaded *to Scottish judges*, it excludes the more legitimate presumption that the pretended *theft* may have been committed by *Scotchmen* entering their banks with their own keys.

The Bow Street police of London are becoming very rich and very wealthy, as well by the rewards given them by the Scottish bankers, as by sums extorted from *Englishmen*, under the serious and assuredly most alarming threat of sending them as suspected persons into Scotland, and subjecting them to the dominion and power of the Procurator-fiscal, and to the jurisdiction, authority, and trial of the Scottish judges, who, by putting statute law at defiance, and, by professing to judge "by the power of their right reason, independent of acts of parliament," have invited upon themselves that sort of pleading which parties must accommodate to the level of the capacities of men who can so express themselves, and which necessarily involve, in all cases like mine, that *inextricable obscurity* which these bankers, offenders, and culprits projected.

But the English constitution has, by anticipation, provided the most pointed remedies. I am an Englishman, and I now complain of the grossest possible violation of the most absolute and best defined right of an Englishman:—"I have a right to abide in my own country as long as I please, and not to be driven from it." To this purpose, *the great Charter declares*, That no freeman shall be banished, unless by the judgment of his Peers. And, by the *Habeas Corpus* Act of 31. Cha. II.—that second *Magna Charta*, and stable bulwark of our liberties,—it is enacted, That no subject of this realm, who is an inhabitant of England,

Wales, or Berwick, shall be sent prisoner into *Scotland*, Ireland, Jersey, Guernsey, or places beyond seas, *where they cannot have the full benefit and protection of the common law;* but all such banishments shall be illegal; that the person who shall dare to commit another, contrary to this law, shall be disabled from bearing any office, shall incur the penalty of *præmunire*, and shall be incapable of receiving the King's pardon; and the party suffering shall also have his private action against the person committing, and all his aiders, advisers, and abettors, and shall recover treble costs, besides his damages, which no jury shall assess at less than five thousand pounds.*

Now, I have not only, my Lord, been seized, taken out of the very centre of London, and deprived of the benefit of the common law of England, but I have been sent into *Scotland*, "where, the judicial authority being identified with the legitimate power, my life and my property are in the hands of arbitrary judges, whose decisions being regulated by opinions, and not by those fundamental principles of law, which judges are bound to obey."† I have, against my will, been for six years subjected to the most horrid persecution, to loss of reputation, and to the most insufferable abuse and expense.

I have the honour to be,

Your Lordship's very humble servant.

No. III.

Mr. DENOVAN'S JOURNAL to LONDON, and NOTES of EVIDENCE regarding the ROBBERY of the PAISLEY UNION BANK at Glasgow,—8th January, 1820.

In consequence of a communing with Francis Jeffrey, Esq. one of the counsel for the bank, on the 4th ult. I felt it a duty rather to conform strictly to the instructions and suggestions of

* Blackstone. † Ibid.

that gentleman, than to avail myself of the latitude he gave me in prosecuting my inquiries in England, unless circumstances sufficiently strong might present themselves, to warrant a deviation on my part. Being also aware of the very great expense the Bank had been put to, it appeared to me indispensable to obtain such information as might enable the directors to substantiate the points admitted to probation clearly, by few witnesses, and avoid the enormous charges that behoved to ensue from bringing forward a connected chain of evidence.

With these impressions, I left Edinburgh, on Saturday the 8th January, 1820, at 5 *a. m.* Deep snow and severe frost.

At Haddington I conceived it unnecessary to make any inquiries, the distance betwixt Edinburgh and Dunbar being so short.

At Dunbar I found an entry in Mr. Lorimer's book, 14th July 1811. Three gentlemen from Haddington,—chaise and pair, to the Press;—J. Main (driver). Mr. Lorimer changed a £20 note of the bank of Scotland, or Royal Bank, to the travellers. (*Vide* Mr. Lorimer's letter).

At the Press, I learned that Mr. Rose, who kept that inn, and who is said to be a very correct man, is now an officer of the Customs or Excise at Glasgow. I must refer to Mr. Templeton as to what this man can say, having written him to Glasgow on the subject.

At Berwick-on-Tweed, I found an entry in the books of Mr. Charles Mowat, of the King's Arms inn, similar to that at Dunbar. Mr. M. recollects something of the matter. His post-boy, who drove the robbers to Belford, is now in the employ of Mr. Mitchell, inn-keeper, North Queensferry.

At Belford, I found that the Bell Inn, at which Mackcoull and his associates stopped, on their way south, was at that time occupied by a person of the name of M'Donald, and that the circumstance was new to the present tenant (Henderson). I discovered, however, that the principal waiter at this inn, in 1811, now keeps a kind of chandler's shop at the corner of Bridge Street, in Berwick-on-Tweed. His name is Flockhart; and that Christopher Elliot was the principal post-boy or driver, at the same period. This man is now groom to ——— Mitford Esq. in the neighbourhood of Morpeth.

In consequence of a letter received from Mr. Beverly, who, in 1811, kept the Talbot Inn, at Darlington, in Yorkshire, but who now resides at North Shields, stating that he believed the parents of George Johnson (who was taken to London in 1811, to identify the robbers) resided in or near Belford, I found it necessary to make a full stop here.

After making a few inquiries, I learned that Thomas Johnson, the father of George Johnson, who had been a widower many years previous to his death, died in 1815, and that his son, George, had not been seen in Belford for the last ten years; but that he left another son, named Thomas, a hawker or pedlar, who resided somewhere in the country. Every endeavour, during the evening, to discover his place of residence proved ineffectual: even the blacksmith's shop, with all the village politicians collected round the fire, could not supply the information. Observing, however, that there was a church behind the inn, a thought struck me that, as to-morrow was Sunday, I might probably obtain what I wanted among the people who generally collect in groups in a country church-yard before the morning service; and in this I was right: I was informed that Thomas Johnson was to be found at a small village, a few miles from Belford, where he had lately taken up his abode. I immediately set off in a post-chaise, and found him. He told me he believed his brother was still alive, at least he had heard from him during the preceding summer; he was then waiter at the Bay Horse, in Leeds, kept by William Goodwin, but some one told him he had left that situation, and was living about Ferrybridge or Tadcaster in Yorkshire; and he had lately been informed, from a different quarter, that his brother was seen acting as a waiter, in a small inn, at Spittal on the Moor, in Westmoreland. But as he stated that his brother was married to the daughter of Thomas Cockburn, a gardener at Bilton, near York, I conceived it best to push on and see the father-in-law, from whom, in all probability, I would obtain the most accurate information.

From the quantity of snow that fell during the latter part of the day and evening, I was apprehensive the roads would be rendered impassable. I started at three next morning, and was happy to find that the mail kept her time:—She reached Belford at four, and I was fortunate in obtaining an inside seat to Aln-

wick, which we reached about seven. Here the passengers are allowed twenty minutes to breakfast; I embraced the opportunity to look at the posting book, and found a similar entry as at the former stages; but neither the master nor waiters could bring the matter to their recollection. Having learned that the robbers *shaved* and washed themselves at this stage, I was most anxious to see the hairdresser, as he might, in all probability, be able to recollect and identify the face of Mackcoull, but alas! the poor barber had, some years ago cut his throat; and, as the good folks here say—"for *pure* love!"

At Morpeth, I was disappointed in finding the New Phœnix Inn, at which the robbers stopped, uninhabited. The person who possessed it in 1811, died in 1813, and the house had since been shut up. It was at this stage that the thieves put two additional horses to their chaise. No information could therefore be obtained without making a full stop, which I conceived to be unnecessary.

At Newcastle, I called at the Crown and Thistle, in the market-place, which is at present kept by Mr. Turner. Ball, not Bell, the tenant in 1811, died several years ago. I found Ball's posting-book, or rather the remains of it, in Turner's bar; but the transactions of 1810, 11, 12, and 13, were wanting. The present tenant knew nothing of the matter; but, after a good deal of trouble, I found Ball's old hostler, who brought and put the four horses to the chaise: he recollects of the three men assisting him in this, but could not describe their persons. The post-boys who drove them are not to be found.

On arriving at Durham, I went to the Queen's Head Inn, kept by Mrs. Jane Escott, the widow of Charles Escott, where the fugitives stopped on their way from Newcastle, and had a chaise-and-four to Darlington. I examined the posting-book, and found this entry,—"15th July, 1811, chaise-and-four to Darlington. Will and Will." The oldest driver, William Stracker, was working as a labourer at a few miles distance from the town. I sent for him, and questioned him. He recollects the circumstance distinctly, and thinks he would know the "oldest, stiff, red-faced man." The other driver, they all allowed, was a stupid thick-headed boy, and being then at a considerable distance from Durham, I thought it just as well not to trouble him.

I then had a conversation with Mrs. Escott. She not only recollects the circumstance of the three men arriving from Newcastle (from the Crown and Thistle) in a chaise-and-four, and of their being afterwards pursued by a chaise-and-four from Scotland, but is positive that one of the three told her "they were pushing on to London with a quantity of Scotch bank-notes." She thinks she would know some of the men if she saw them again. William Stracker, the driver, says he can swear they came in a chaise-and-four from the Crown and Thistle at Newcastle; and he knew and spoke to both the drivers, one of whom is since dead, but he thinks he could find the other, and has no doubt of bringing the matter to his recollection, for the appearance of the three men struck him—they were, he thought, "like sheriffs' officers, or bum-bailiffs."

At Darlington I stopped to make further inquiries regarding George Johnson. In 1812, one of the maids at the Talbot Inn, where he was then a waiter, had become pregnant by him, and he in consequence went to York, and enlisted as a soldier. He got clear of the army shortly afterwards, and came to Tadcaster, where he was apprehended by the constable of Darlington and brought to that town, as the child was chargeable on the parish. Having, however, found means to satisfy the parish officers, he was discharged from custody, and went to Leeds. This was all I could collect at the Talbot.—None of the present waiters or drivers were there in 1811, when Mr. Beverly kept the house, and consequently knew nothing of what I wanted. Learning, however, that there was a very singular and facetious character, a waiter at the King's Head Inn, who had been there for sixteen years, and who, according to general report, "knew every one, and every one's business," I thought it as well to stop and try what I could make of him. I found him, indeed, a very curious fellow, both in manner and appearance, and, withal, most obliging and attentive.—Such a waiter is not to be often met with.—His name is John Deansdale. He not only knew George Johnson, but assured me he had seen a person who had spoken to Johnson at Bilton in October last, and that I might depend on finding him. I mentioned to him the circumstance of the three robbers coming from Durham in a chaise-and-four, stopping at the Talbot; proceeding to Northallerton; and being pursued by

two gentlemen in a chaise-and-four from Scotland two days afterwards. This, he said, he perfectly recollected, and thinks he would know the fat, red-faced man (Mackcoull), if he saw him again; for, says he, "the same three men whom I saw in the chaise-and-four *going* south, passed this way *from* the south, in a chaise-and-pair, a few months before. They had the chaise and pair at this house to Durham. Their appearance, in going south, struck me, and I could not help observing to my master, that I wondered how such queer-looking chaps should be posting it." The King's Head is the principal inn at Darlington, on the left hand, on entering that town from the north; the Talbot is a little way further on, on the right hand side.

At Northallerton, I found that the master of the house (Scott) recollected the circumstance of the robbers having stopped at his house—of changing a £20 Scotch bank-note for them, and of having written to the north on the subject. But neither he, his waiters, nor drivers seemed to think they could recognize the men if they saw them.

The robbers here took the road to Boroughbridge; but, as it was of more importance to find Johnson, than to follow their route for two stages, especially as I behoved to join the great London Road at Ferrybridge, I proceeded on to York, which I reached about eleven, *p. m.* At six next morning I started in a post-chaise for Bilton, there being no regular coach to that place. Here I found Thomas Cockburn, a gardener, the father-in-law, who informed me that Johnson was at Tadcaster; that he had been long out of a situation, and supported his family by hawking fresh fish through that town and the neighbouring country. I pushed on by the same conveyance to Tadcaster and found Johnson.—He is perfectly willing to come to Edinburgh and give evidence when required.

From the interrogatories I put to him, he will declare, &c. [The substance of these answers being given in evidence at the trial, it is unnecessary to copy this part of Mr. Denovan's journal]. Finding this man so very correct, I conceived it unnecessary to make any farther stop until I got to Wellwyn; but as the robbers had taken the road (by Boroughbridge and Wetherby) to Ferrybridge, which is what is called a *slip stage*, that is to say, where the coaches from the south and north meet, and

where, during the time of changing horses, the luggage is removed from the one coach to the other, I found it would be impossible for me to make any inquiries. I gave Johnson a trifle to go there, make the inquiries I wished, and write me to the office at Bow Street, which he accordingly did, and his letter accompanies this. I then pushed forward to Wellwyn, the second stage from London, where I arrived on the afternoon of the following day, by the light post-coach, which I was so fortunate as to meet at Tadcaster at 11 o'clock, *a. m.* on its way south.

It must not be inferred from this that I had relinquished the idea of making further inquiries at the different stages betwixt Ferrybridge and Wellwyn; I pushed on with the hope of finding Cunington the waiter, and procuring other proof in London, which might be of more importance, and attended with less expense to my constituents, than bringing forward a connected chain of evidence: But if I failed in this, the alternative could be adopted, on my way north, and the blanks filled up.

At Wellwyn, I found the White Hart Inn occupied by a different tenant, to whom Cunington was unknown. I was informed, however, by an old hostler, that Cunington had gone to London about seven years ago, with the intention of keeping a porter-house, about Broad Street, St. Giles's, or Drury Lane, but that he had met with some misfortune which forced him to leave London and go into the country: That Cunington was a native of Lincolnshire, but he could not name the town; and he heard some one say, two or three years ago, that he was a waiter at one of the inns at Brighton.

On reaching London, my first care was to ascertain how my friends at Bow Street were disposed to act in this matter. I knew well it had been the cause of misunderstanding betwixt some of them in 1811; and, as their coöperation and assistance would be necessary in many things, I felt anxious to know their minds. I perceived that those who had taken an active part in the business when originally applied to, were chagrined and unwilling to be again troubled. "The dissatisfaction of the officers arose from mismanagement and want of policy in the gentlemen who acted for the bank, in their first negotiation with Mrs. Mackcoull; and, although the state of that matter is perfectly known to me, I shall forbear to enter on particulars.—It can, in-

deed, serve no good purpose to do so, at this time, and at this stage of the business.

But, although the officers felt disinclined to serve my constituents in the first instance, they never for a moment expressed the least hesitation to assist me; and I would be wanting in duty, were I to pass over in silence the kind interference and support I experienced on this, as on many other occasions, from my friend Lavender.* His conduct and example healed old sores, and greatly facilitated my farther proceedings. I saw that, with one exception, all would be right.

My next care was to get hold of the box of false keys, which was found in the blacksmith's shop, No. 96 (not 92), Tottenham-court Road, addressed the same as the portmanteau forwarded from Wellwyn. Lavender told me he believed it might probably be in a back closet in the office, where articles of that description are generally deposited, but he doubted, from the length of time that had elapsed, whether it might still be entire. We agreed, however, to make a search next morning, at a time when there was least bustle in the office. After turning out a singular collection of rubbish, we found the box I wanted, actually covered by Williams' or Murphy's bloody jacket, and the maul and ripping-iron with which the Marrs and Williamsons were murdered in Ratcliffe Highway; and the fatal poker by which Mr. and Mrs. Bonar met their death. The lid was loose, and some of the smaller articles, such as the phosphorus bottles, files and chissels, were evidently gone: after removing the dust, the following address appeared distinctly written on the lid:—

To
Mr Little,
At Mr John Scaltop's,
Stove Grate Manufacturer,
96, Tottenham-court Road,
London.

The hand is evidently Mackcoull's; and whoever has been accustomed to read his writing, may, I think, safely swear to this.

* Mr. Stephen Lavender, at that time an officer of great activity and talent at Bow Street, is now Superintendant of the Police of Manchester.

The box contains a vast number of false keys, of different kinds, such as flashmen would denominate *rum kates*, *screws*, *dubs*, and *blanks*, of the most dangerous nature—(one of the dubs is wholly made of pewter, which is very uncommon—I must, if possible, get the history of this key); besides various pass-keys, punches, chissels, files, and other implements of house-breaking. Among other things, I observed two handkerchiefs or shawls, one of which is of the pullicat kind, of a fawn colour, with a broad border, such as I think I heard Stewart and his cousin at Glasgow describe, when I conversed with them, as having often seen in use, by the three men, when they lodged in their house. I was most anxious then to find the jottings found in the pocket-book of Huffey White, when apprehended, to ascertain whether or not they were of Mackcoull's hand-writing: But as the pocket-book, or at least the jottings, if they were still preserved, behoved, by all accounts, to be in the possession of Vickery, who is at present in Paris, I could not satisfy myself as to this point until he returned to London, without having recourse to the widow of Huffey White: And as it occurred to me, as probable, that neither White nor French were quill-wise, and that the whole correspondence, as well as directions on portmanteau and boxes, were written by Mackcoull, I resolved, in the first place, to go in quest of that lady.

In the meantime, as Mr. Lavender had consented to come down to Edinburgh, and give evidence for the bank, I agreed with him, that, on Vickery's return (as I might then be from London), he should use his best endeavours to prevail on him to accompany him, and, if he found them, to bring with him the pocket-book and jottings; while, on the other hand, to prevent disappointment, as it is possible that Vickery may be detained in Paris until the trial is over, I have written him fully on the subject, intreating, if he is convinced that the pocket-book or jottings are in his keeping to point out where we may find them: or, should it so happen, that he arrives in London in time enough for the trial, but is detained in town for some time after his arrival, in consequence of the business which now keeps him at Paris, to deliver the pocket-book or jottings to Lavender, who, as he individually seized White at Scoltock's, in St. George's Fields, and saw Vickery take these articles from White's pocket,

will be able to identify them. But, if it turns out that the pocket-book was returned to White, and that the jottings are mislaid, which is not improbable at this distance of time, we must have recourse to the occurrence-book kept at Bow Street office, in 1811, into which the jottings were actually copied; and as Mr. Birnie will allow this book to be taken to Edinburgh, either Vickery, if he comes, or Lavender, can swear to the copy. I hope, nevertheless, that the originals will cast up, and that I shall obtain direct evidence of their being of the handwriting of Mackcoull.

I cannot, however, disguise my anxiety for Vickery's return. No doubt, Lavender can say as much as he can, as to the apprehension of White, and the finding the jottings, portmanteau, &c. but I know that White, while in confinement in Horsemonger Lane prison, made various and sundry disclosures to Vickery, regarding the robbery of the bank; and, although White was then a felon convict, he is since dead, and the testimony of Vickery will be good evidence, unless he is barred from giving it by the counsel for Mackcoull bringing forward legal proof of the conviction of White, which, as they are not aware of this circumstance, they may not use the precaution to obtain.

I had less difficulty in discovering the retreat of Mrs. Huffey White than I expected; but I saw plainly, that it would not be an easy matter to get her brought to Edinburgh, without some stratagem. She was not only under the control and advice of a very artful woman, but had been applied to by the friends of Mackcoull, who made her promises to prevent her coming to Edinburgh, and she was in hourly expectation of hearing, by letter, from Mackcoull himself. Under these circumstances I was no ways surprised to find that the lady put a very high price on her services; in fact, I was given to understand, the highest bidder should have her—and that she could only negotiate with me, in presence of, or through her female friend. But this was a language I did not understand; and, as I was determined, from the first off-going, to make no promise of reward or remuneration to any of the witnesses, I found it necessary to use other means to obtain the attendance of Mrs. White.

Being a very loose woman—much addicted to the bottle, and frequently mixing with the worst of company, like the silver can-

dlestick which was dropped by accident into the Jew's pocket at the sale, she appeared the following evening at Bow Street office, in custody of one of the patrole, charged with stealing a silver watch from the pocket of a drunken man, in a low and blackguard pot-house, near the head of Drury Lane: Being stupified with liquor at the time, Mr. Birnie committed her, for reëxamination, to Tothilfields Bridewell, and next day I paid my addresses to her. Here I found no difficulty in negotiating with the lady—she was willing to go to Constantinople, provided the prosecutor was silenced, and she could regain her liberty. It was now my turn to stipulate: I expatiated on the difficulty there would be in *sweet'ning the cull for his nim'd tatler*,* as he well knew she was wanted by the bank to go to Edinburgh; and as his demands would, on that account, be exorbitant, it was really unfortunate she had been so *rumbumtious*† at first; for this mischief might not only have been prevented, but the sacrifice which I behoved to make to this *seedy cull to shirk the pundbottom*,‡ would have gone her way, and done her a good thing. She said, it was very true, but it was very hard; for she was no *joyst*,§ and was innocent. She admitted she was very *poggy*.‖ She recollected *as how* there was a *tatler missing*, but she had none of it: She never *see'd* or *knowed* the *cull* before—who *touted as seedy as a clapperdogeon*;¶ She believed *he had ne'er a loge*;** and was sure, unless he *rapp'd*,†† he could not *post it*‡‡ that the *tatler nim'd was his'ne*.§§ I replied, that the *cull* ‖‖ had offered to *kiss the book* ¶¶ last night, and was only prevented from doing it by her being so tipsey; but would do so, when she was brought up for reëxamination, if he was not *sweetened* ere then. I added, I would endeavour to see the fellow in the course of the evening, and appease him, if possible; but it was necessary, in the first instance, to ascertain what she could say as to the Glasgow *job*; for, if her recollection was defective, I could not, in justice to my constituents, take her to Edinburgh; neither could I be expected to interfere in the present instance. She appeared to be alarmed at this remark, and freely communicated all she knew: I told her I was

* Appease or satisfy the man for the stolen watch. † Obstinate.
‡ To cheat the justice. § Female Pickpocket. ‖ Tipsey.
¶ Looked as poor as a beggar. ** A Watch. †† Perjured himself.
‡‡ Swear. §§ Stolen watch was his. ‖‖ Man. ¶¶ Make oath.

pretty well satisfied—that I would see the *cull* in the evening, and call on her to-morrow, and take down in writing what she had said.

There was, perhaps, nothing very serious in the charge of stealing the watch, as the prosecutor did not again appear; but yet there was enough to make a handle of, until I found the means of getting Mrs. White removed to Edinburgh, which, for the reasons I have stated, required the nicest management. Having ascertained that none of the Leith smacks could sail from the Thames for some days, owing to the accumulation of ice in the river, it became expedient to allow Mrs. White to remain where she was, until an opportunity offered of sending her to Scotland. It was, indeed, the only place where she could be secure, and not comeatable to the friends of Mackcoull; but I took care to render her situation as comfortable as possible.

Having thus secured the attendance of Mrs. White, I went in quest of Henry Cunington, the waiter, which, from the information I got at Wellwyn, appeared to be a very up-hill job. Accompanied by a private friend, I first went down the one side of Holborn and up the other: the street is of considerable length, and although we passed not a baker's shop, grocer's, or public house (the most likely places to learn any thing), we could hear nothing of him: And we did the same thing in Broad Street, St. Giles's, and Drury Lane, with the same success. Dissatisfied with our ill luck, I went to the different offices where the coaches from the principal towns in Lincolnshire stop, and, upon inquiring at the guards and coachmen, found that Cunington was a native of the neighbourhood of Stamford: One of the guards assured me he knew him, and that I would find him as a waiter at one of the inns in Brighton—and believed he was there only six or seven months ago. Elated with this news, I set off to Brighton, by the coach, next morning at nine, and got there at four in the afternoon. I went immediately to the principal hotels and inns: I learned he had been a waiter at the New Inn for some time, but had left it about twelve months ago, and gone to Horsham, and from thence to Margate, where it was believed I would find him: With this information I was forced to retrace my steps.

Arrived again in London, I prosecuted my inquiries at the offices of the Margate coaches, and had nearly despaired of suc-

cess, when a waiter, who overheard me questioning the guard of the last coach, stepped up and told me he knew Henry Cunington, and also knew where he was to be found; but hoped he had done nothing wrong: That he saw me at Bow Street the other day—believed I belonged to the office, and was seeking him for no good, which he was very sorry for, as he had known him for many years, and had always looked upon him as an honest man. Having quieted his suspicions in this respect, and assured him that Cunington was merely wanted as an evidence, he told me he had been out of employ for some time, owing to bad health, and that I would get him at the One Tun public house, in Brook Street, Holborn. Thither I instantly went, but found he had left his lodgings, and gone to Middlesex Hospital, where he had been admitted a patient. I hurried to the hospital, but it being beyond the hours of admission, I was forced to leave it, and return in the morning, when I found him in bed.

Henry Cunington is in a very bad state of health, having some time ago started a small blood vessel in the lungs; and I do not think he will ever recover, although he may probably linger for a considerable time.

I conceive it unnecessary to recapitulate what was taken down at Bow Street, in 1811, as I found every circumstance perfectly fresh in the recollection of Cunington. Independent of identifying White, he says he was taken to Bow Street a second time, and identified Mackcoull: He assures me, he could point him out among a thousand men. I find he is incorrect as to the month; he thinks it was in August, and not in July 1811, that he was taken to London; but this is immaterial, as he is positive that he arrived in London on a Thursday, on which day Huffey White was apprehended, and on the Monday following he was examined by Mr. Justice Read: Thus the date of the information on oath by Cunington, at Bow Street office, will prove clearly that he labours under a mistake.

I questioned him particularly as to the robbers *counting over* the notes: He says they appeared to him to be *dividing them*; and this circumstance, added to the appearance of the men, induced a suspicion that they had stolen them, and he told his master so after they were gone.—"Mackcoull did not appear to be a proper companion for the other two men, who looked like

tradesmen: *he took the whole management of matters as it were.*" He tells me, what I was most anxious to learn, "that he thinks Mackcoull held the pen in his hand, and sometimes in his mouth, when they were counting over or dividing the notes; and although he did not see him use it at this time, yet, on recollection, believes he wrote the direction for the portmanteau, and is positive that he affixed it with a hammer and nails, which he (Cunington) procured for him. He is perfectly agreeable, if health will permit him, to come to Edinburgh, and give evidence for the bank.

After leaving him, I waited on the surgeon of the hospital, to ascertain the real state of Cunington's health, and whether any dependence could be placed on his being able to go to Edinburgh. He told me he was rather in a mending way, and, if he was patient and took care of himself, he might ultimately get better. But were I a doctor, I would differ with him—at any rate there were too many ifs here. I therefore explained the reason of my call, and begged to know, if it should so happen that Cunington's state of health rendered it impossible for him shortly to travel to Edinburgh, whether he would grant such a certificate as might warrant the court there to issue a commission to take the patient's deposition in London. He said, if the present severe weather continued, it would be madness to attempt removing him *even* out of the hospital; and, if the trial was shortly to take place, it would be eligible to take the deposition here, as the patient could not, with any degree of safety, be removed to a distance until the latter end of spring or beginning of summer; and he was ready to grant the certificate I mentioned, at any time.

I not only communicated this to Messrs. Dobbie and Thomas of Bouverie Street, the law agents of the bank, so as the needful might be observed, but directed my private friend to call every day at the hospital and report the state of his health to these gentlemen; and should Cunington remove from the hospital to a private lodging or otherways, which he expressed a wish to do, to acquaint them with his ulterior movements. This has been strictly attended to: and I send herewith a letter from Mr. ——, advising me, that Cunington intended, last Tuesday, to leave the hospital, and go down by easy stages to Lincoln-

shire to his relations; which is so much the better, as he will then be an hundred miles nearer Edinburgh.

On leaving the hospital, I went to Tothillfields Bridewell, and took down the following notes of evidence from Mrs. White. [The greater part of this is the same in substance as she gave on oath at the Jury Court trial; but as the counsel for the bank as well as for the crown were prevented from putting farther questions to the witness, Mr. Denovan's notes are continued]. That some time after her late husband was put on board the Retribution hulk, she went to see him—he reflected much on the conduct of Mackcoull. He desired her to call on Mrs. Mackcoull, and demand from her *five pounds in silver*, which, he said, were in her possession belonging to him, and which, from the way he expressed himself, she understood to be part of the silver that had been taken from the bank. She accordingly called and asked for the money, when Mrs. Mackcoull said that Jem (meaning her husband) had got it, and desired her to go and seek it from him; but Mackcoull himself was not to be found, being then in the *West Indies*, or, in other words, in concealment about London. When her husband was under sentence of death in Northampton jail, for the robbery of the Leeds mail, she applied to Mackcoull, who was then a prisoner in Newgate, under a sentence of the magistrates of Bow Street, for an affray in the house of his wife, for two pounds to carry her down to see her husband, but he put her off with evasive promises, and never gave her a fraction; and, had it not been for a friend who *lent* her a trifle, she would not have seen her husband before he suffered: That, shortly after the money was given up by Mackcoull and his wife, Harry French was apprehended in a house in Clare Market; and it was generally understood that this had been effected through Mackcoull's information. French was immediately sent to the Hulks, as a returned convict. She has also reason to believe, that the information which led to the apprehension of her husband at Liverpool, was given by Mackcoull, through his agents at that place.

A considerable time after the money was so returned, she happened to meet with an old woman of the name of Abbershaw or Avershaw (the widow of the celebrated highwayman), who then lived as a dependant on, or servant with Mary Reynolds, a wo-

man of bad fame (who now keeps a certain house in London Street, Tottenham-court Road), and, knowing that Mackcoull lived with her mistress, inquired, through mere curiosity, how they put up together, as she knew that Jem was a *sad Turk* at times,—when the old woman informed her that, a short time previous to this conversation, a serious quarrel had taken place betwixt them, regarding a parcel of bank-notes which Mackcoull *had concealed in a field at St. Pancras.* Having been unable to discover the exact spot again, or believing the bird had taken wing, he suspected that Mrs. Reynolds, who had either been present when the booty was concealed, or having been correctly informed of the place, had gone of her own accord and removed it. He flew into a violent passion, and began to break some pieces of furniture in the house; but Mrs. Reynolds found means to convince him of her innocence, and set him off again in quest of the parcel. He took the largest carving knife with him, and after going out and in, nearly the whole of the night, he found the money and brought it home with him. That she (Mrs. Abbershaw) happened, in search of some article, to pop in upon them, in the parlour, and saw the settee covered with bank-notes, and a number lying on a small table, at which Mackcoull and Mrs. Reynolds were counting them. Mrs. Abbershaw died about three years ago; but means are using to supply this defect, and I hope they will produce success: very nice management, however, will be necessary.

Mrs. White assures me her late husband could read, *but never could write;* and that, when in the Hulks, he corresponded with her by means of his fellow-prisoners. French, it is said, was equally illiterate, but I have not yet obtained evidence of the fact.—The navigation of the Thames, owing to the rapid thaw, being again open, I obtained the liberation of Mrs. White, and shipped her by one of the smacks to Leith.

From every inquiry I made (and no stone was left unturned to obtain the most accurate information), I found that Mary Reynolds was, and still is the friend of Mackcoull; and that any attempt to procure information or evidence from her, *directly*, would only have the effect of exposing what I was about in a quarter where every advantage would be taken of it. Means shall be used—but I am not sanguine; for, although like the

Public Ledger, she is open to all parties, she is influenced and guided but by one.

I next called on my friend Mr. William Adkins, Governor of the House of Correction, Coldbath Fields.* I found him in rather a bad state of health; and, although he expressed his willingness to go to Edinburgh and give evidence for the bank, yet the season of the year, and the very severe weather, seemed to startle him a good deal. He promised, however, if the trial did not take place until March or April, and his health was no worse, that he would make a point of attending. From the interrogatories I put to him, I find he can depose "That he has known Huffey White and Jem Mackcoull for many years,—the first as a first-rate housebreaker, and the latter as a notorious and dexterous pickpocket and thief, &c.—Knows they were well acquainted with each other, and has frequently seen them together previous to the robbery of the Paisley Union Bank—knows Mackcoull often assumed the name of Moffat—saw him in Dublin jail (Newgate) about twelve years ago, committed under the name of *Captain* Moffat, on a charge of picking a gentleman's pocket, in the pit of the theatre, of a considerable sum in gold: That, in the summer of 1810, several bad characters were apprehended in Cheshire; and the magistrates of Chester, not knowing any thing of them, applied to the magistrates at Bow Street for an officer to come down to see them previous to the assizes: That he went to Cheshire accordingly, and, on looking through Chester Castle, he found Jem Mackcoull committed as a rogue and vagabond, under the names of James Martin, *alias* Wilson; and Huffey White, under the name of William Evans: That he was subpœnaed, and afterwards attended their trial at the assizes.—Mackcoull was sentenced to six months hard labour in Chester Castle as a rogue and vagabond; and Huffey White having, on his evidence, been convicted of returning from transportation, received sentence of death;

* This gentleman was formerly a Bow Street officer of great eminence. The ability and exertion he displayed in tracing the robbery of the Whitehaven Bank, and apprehending Black Dick and the other desperate characters concerned, in 1808 and 1809, must be fresh in the recollection of many. His brother Harry Adkins, who was also an officer at Bow Street, is now Superintendant of the Police of Birmingham—a very active and intelligent officer.

but he (Adkins) having gone to Lord Sidmouth's office and interceded for him, he was pardoned, and returned to the Hulks to be transported for life. The cause of their apprehension was this:—A box had been brought by the coach from London, to the coach-office at Cheadle, Bulkeley, near Stockport, part of which had given way and exposed to view the contents, which were skeleton keys and implements of housebreaking. This box was addressed to James Wilson; and on the discovery being made, it was nailed up, and a police officer (Birch) attended in the coach-office to apprehend the person who might call for it. Mackcoull and White soon came—and the former, calling himself James Wilson, demanded and received the box on paying the carriage. They took the box and were walking off with it when seized by the officer; and having been carried before a justice of the peace, they were, of course, committed to jail as rogues and vagabonds, in terms of the statute:—Knew Mackcoull's mother to be a noted thief; his sister, Ann Wheeler, *alias* Green, to be a character of the same description, and frequently committed as such to the prison of which he is governor:—Knows the notorious Jack Mackcoull his brother—who has kept lodging-houses, as he calls them, in different places of London, for many years past—and that he was tried in 1810, but acquitted.

Next day I called on Mrs. Mackcoull.—She keeps a house of a certain description, in Lysle Street, Leicester Square, furnished in an elegant manner. She was extremely shy at first, and appeared to be rather alarmed at my calling on her, It was then about noon, and being in dishabille she apologized. I opened the business to her frankly; asked her if she was inclined to give me any information—and, after a good deal of desultory conversation, she became pretty communicative.—I assured her it was not a case of death and life, but merely a question at civil law; and that the conviction of her husband could not therefore be a matter of regret to her, as I knew he had used her very ill, and deserted her; and, moreover, that now, by his habits of dissipation, his health was so much impaired I did not believe he would live another year. She affected to feel, and shed a few crocodile-tears.—But I saw plainly there was a something in the way; and I thought she doubted me. She is a clever and an artful woman. I found it necessary to watch

her countenance narrowly, when I put a question to her, and I am persuaded she perceived me doing so; but I found she had little or nothing in her power. She asked my advice in some private matters relating to her husband, which convinced me that she had previously been informed of the state of his health; and we parted on good terms.—I said I would call again, but I found it was unnecessary for me to do so.

I went, accompanied by my friend Lavender, to the bank of England to see Sayer, who, with Townsend, attends there during the payment of the dividends. All that I wanted of Mr Sayer, was to know whether or not he would agree to go to Edinburgh and give evidence for the bank, on being paid his travelling expenses and any reasonable charge for loss of time; but, from what I had previously gleaned, I doubted my success. He received me with a very long face, and, after vomiting a good deal of invective against the gentleman who had conducted the Bank's business in 1811, he told me flatly that he would not go to Edinburgh to be a witness at the trial, be the consequence what it would. The fact is, he knew well *he could not be forced to do so;* and although, as the common saying is, there are reasons for every thing, still I must be excused for leaving the explanation to time and circumstances." [Mr. Sayer attended the trial of Mackcoull before the Court of Justiciary, having been cited to do so, in terms of the act, 54. Geo. III. and identified Mrs. Mackcoull, who was also brought to the bar as the wife of the prisoner, through whom about £12,000 of the Bank's money had been restored]. "I found he was as obstinate as a mule, so I ceased to importune him on the subject; and, as he only palavered me with what he would otherwise do to serve me as a brother in trade, which I had no inclination to swallow, I bade him good bye, and was leaving the lobby, when he came after me and said,—"Well, rather than *you* should be put about, I'll make my deposition here, on commission, purely to serve you." I hope he will perform his promise—promises are sacred things. I saw him three days afterwards at the office (Bow Street), when he voluntarily repeated the same words—and I add my sincere wish that he may not forget.

The next and most weighty part of the business was yet to perform, namely, to secure the testimony and attendance of the

blacksmith, the flash banker, and the lawyer. So, taking the greatest r—— first, I called for John Scoltock, locksmith and grate manufacturer, 96, Tottenham-court Road. He has what may be called a kind of respectable-looking shop, with a smithy underneath; and his family reside in apartments behind the whole. Scoltock himself was not at home, but I saw his wife, who, with two little children, came from behind into the front shop. On telling her I wanted to see her husband on some private business, and would be glad to know when I could find him at home, she seemed to be alarmed, and appeared very curious to know what I wanted. I took care, however, to keep her in suspense, and, in place of lessening, endeavoured to heighten her anxiety. I examined the shop attentively, asked her some questions to induce her to think I wanted to know the value of the stock, looked stedfastly at the two little children, asked how many she had, how they were all employed, and whether business was brisk with them. She complained very much—no trade—and more children than they could well provide for—that all the industry of her husband could not make the two ends of the string meet—and, in short, that they were very ill off. I looked grave, told her I was no stranger to their misfortunes—that I knew where her two oldest sons were (they were then in the House of Correction, Coldbath Fields); and it would be dreadful should circumstances also remove her husband from her family (she seemed dreadfully alarmed). There was, I said, a probability of this being the case, but there was also a possibility of averting that misfortune, provided she could point out any confidential friend who would meet me on his behalf; who had the interest of her family at heart, and who possessed sufficient influence over her husband to make him do what was right. The business, I added, was, however, of too much importance to be communicated to her; and, as the obstinacy of her husband was proverbial, I saw no other way of adjusting this dreadful business but through the medium of a friend (I had previously learned that Scoltock, when in trouble, was guided by the advice of a private friend; and if I could only discover who he was, I conceived there might be a probability of bringing him round to my purpose). Although her agitation was very perceptible, still she hesitated in giving me an answer. At length, finding I was de-

termined to keep her in the dark, she said—"Well, Sir, will you consent to see my husband *first*. He shall be at home to-morrow any hour you may appoint, and if you and he do not agree, for indeed he is very obstinate, I will get a friend, a relation of my own, who has been a real friend to our family, to wait on you when you please." I told her I was agreeable; and having appointed next day at ten o'clock in the forenoon, I left her with an assurance that it rested entirely with her husband not only to remove the mischief that threatened him, but to turn the matter to the benefit of her poor family.

I called next morning at ten, and found Scoltock in the shop. The moment I entered it, his wife came from behind, and seemed anxious to hear what passed; but, as I told her that we behoved to have a private conversation, we walked into one of the rooms behind the shop—Scoltock eyed me with a singularly suspicious and hesitating look. I drew from my pocket-book an intercepted letter, subscribed William Evans, and addressed much the same as the direction on the portmanteau (the name being spelt Scaltop, in place of Scoltock, and which was written by Mackcoull when he and Huffey White were committed at Chester in 1810), and asked him if he knew the handwriting. This, to use the sea phrase, "*brought him up all standing;*" and, although *an old hand*, he could not disguise his agitation. He said he did not know the hand; neither did he know any person of the name of William Evans; and had no acquaintance whatever at Chester. I asked him if he recollected of any of his *customers*, who, when they wrote or sent parcels to him, were in the use of spelling his name *Scaltop*, in place of Scoltock. He said there were many who did so, as it was the vulgar way of pronouncing his name, and that many people wrote as they spoke. I replied that it was idle in him to trifle with me. The letter alluded to a certain box with some useful articles, which he sent to Cheadle, Bulkeley, in the year 1810, and he knew who wrote it as well as I did; and, if it was any way necessary to refresh his memory on the subject, I would show him the address on the said box, written by his own hand, which he would surely recognize. Perceiving that he was much confused, and at a loss what to say, I embraced the opportunity to enter on business.

I told him that, having learned from a friend how very unfor

tunate he had been in the world, and the state of misery into which his poor and numerous family were plunged, I had taken it upon me to deviate from my instructions; and, in place of tearing him from his wife and children, as many would have done, I sympathized with his distress, and came to propose a plan by which he might avoid the impending storm, and benefit his family. I therefore intreated his serious attention and consideration to what I had to say, and should he, in the conclusion, find himself at a loss how to act, that I had no objection to meet any friend, on his behalf, to whom every reasonable proof of my sincerity would be given. He thanked me, and hung his head.

"Mr. Scoltock," I said, "I am no stranger to many wrong things you have done, but I am willing to believe that you have been led into scrapes by your own simplicity: And, although you have not yourself been the actor, yet you will admit, I believe, that you have been the instrument or rather the ill-requited tool of a very great villain, who would sacrifice you or any man to serve his own purpose. My business with you is the robbery of the Paisley Union Bank at Glasgow—you know it well."—He said he did, and shook his head. "That robbery," I continued, "was committed by Harry French, Huffey White, and Jem Mackcoull—and you made the keys—you not only supplied these men with a full assortment of implements of housebreaking before they left London, with a guilty knowledge of the felonious purpose to which they were to be applied, but you even sent to Glasgow more of these implements at the request of the robbers; and these still failing of effect, Mackcoull came personally to London, and you then and there delivered to him more implements of the same description, by means of which the burglary was committed—the bank was robbed of twenty thousand pounds. I repeat, you were not one of the robbers, but you were equally guilty in law.—You were an accessary before the fact, of which I have the most direct proof.—And, although it would be very easy to prove you also an accessary after the fact, still I think you will save me that trouble. The bank are now bringing the matter to an issue before the Supreme Court of Scotland, after which it will be carried into a criminal tribunal, and the consequences must be fatal to all concerned directly or indirectly in that very extensive robbery. Being employed to do the needful

in bringing the guilty to justice, it would have become me rather to have carried you to Bow Street on a criminal information, and thence to Scotland, loaded with chains and infamy. But I have deviated thus far from the direct path of duty—I have availed myself of the little discretionary power given me, and reflected that it might be possible to satisfy the ends of justice, by making an example of the greatest villain only, without tearing from them their only support and protector, and overwhelming in endless destruction a poor and needy family already crushed by misfortune. In short, Mr. Scoltock, you see my position, and it is for you to decide, whether you will sacrifice your family or your friend." "Sir, what do you mean—what friend—I know of no friend that shall ever come betwixt me and my family in such a thing as this?"—"I mean your worthy friend Jem Mackcoull—It was at first thought he had *sweetened* you. But this it seems is not exactly the case—for he has lately been heard to declare publicly that you had a *decent feeling* of the *thick paper* from your lodger Huffey White, to which he had himself so liberally added, that you dared not attempt *posting* it against him." "What Jem Mackcoull,—the g——s villain—the worst sight I ever saw—my friend—no, Sir—he is no friend of mine." Here he broke out into the most dreadful imprecations and invectives—swore he never touched a slip of the paper, and never had as much from Mackcoull as would get him a coat to his back. I told him to be calm, and answer me pointedly whether he would consent to go to Edinburgh and give evidence for the bank, in which case his travelling expenses would be liberally paid, and a reasonable allowance for loss of time would also be granted; or abide the consequences of being taken there as an accessary before and after the fact, and tried along with his friend Mackcoull for the robbery; and that as I had another man to see, who stood in the situation of accessary after the fact, and to whom I meant to make the same proposition, I begged he would immediately decide as to the line of conduct he meant to pursue. Being previously informed of the obstinate and revengeful disposition of the man, I was not at all surprised at his breaking out in the way he did. He swore he would go twenty miles to see Mackcoull hanged, or any villain like him who had done as he had done, and if he could only be assured of his personal safety, and of

being paid for his loss of time and expenses, he would go down to the north, and *serve him out*. But as I regarded these expressions as the effusions of passion rather than the fixed determination of the man, I saw the necessity of improving my advantage—to use his own language, by striking the iron while it was hot; and, therefore, making light of his scruples, and telling him these were preliminaries we could easily settle, I hinted to him that he had much better give me the address of his friend at once, when I had no doubt every thing would be arranged to our mutual satisfaction. He hesitated a little, and then gave me the address I wanted. I told him I would see that friend in the course of the day, and call upon him afterwards; but, in the meantime, as he had in part acceded to my proposal, I begged he would be under no apprehension for his personal safety, for that he might rather consider me in the light of a friend than a foe. He thanked me, and said he was sensible of my kindness, and would do all in his power to satisfy me; and, as he believed, the other person I alluded to was Bill Gibbons, who had the notes in his keeping; he would, if I chose, call upon him and break the business to him. For if he, Scoltock, went to the north to give evidence against Mackcoull, he had not the least doubt that Gibbons would, on the same terms, join in the expedition. This was a lucky hitch for me, and I thankfully, although with seeming reluctance, acceded to his proposal, and left him.

I directed my steps to Mr. M——, Scoltock's *charge d'affaires* in the Haymarket, and brought him completely round to my purpose; he assured me I might rely on Scoltock going to Edinburgh, provided I would point out how and where he would be paid his expenses and loss of time.—I gave him a note to the law agents for the bank, who satisfied him completely as to these particulars; and, having next day called on the blacksmith, I was overjoyed to find that both he and his wife had made up their minds to the thing; and that Vulcan was ready to start when I gave the signal. The wife seemed to be very much pleased; she thanked me, and said it was a lucky thing for their family that I had acted in the way I did. Wishing to satisfy myself as to the Chester letter being of Mackcoull's handwriting, I again put the question to Scoltock. He answered in the affirmative, and assured me, notwithstanding what he at first said, that Mackcoull

always spelt his name *Scaltop;* and he knew the direction to be his, the moment he saw it. I asked him as to the curious drawing of a hand shackled at the foot of the letter, in a line nearly with the subscription. He said it was a mark made by Huffey White when he was fully committed and in a bad way. It is, I believe, what the learned gentlemen of the Heràld and Lyon office call a *hand dexter;* and I think the hint should be given them, to be on the outlook for his arrival in Edinburgh. For, I have no doubt that, on applying to Mr. Scoltock, in a proper way and manner, they might obtain such information as to *hands dexter* and *hands sinister*, and *bars* and *bends*, as would not only excite their astonishment, but such as might form a new and important addition to that very elegant, useful, and fascinating science.

The same day I waited on Mr. Thomas Woolley, attorney-at-law, Church Street, St. Ann's, Soho, who, I was informed, acted as Mackcoull's solicitor about the time of the robbery, and not only knew all his movements for many years, both before and after that circumstance, but could distinctly swear to the handwriting of Jem Mackcoull and his brother Jack. I found Mr. Woolley not at all disinclined to be serviceable. He was frank and communicative, and assured me he could point out the handwriting of both brothers, however much they might attempt to disguise it. When the letter, subscribed James Martin, was shown me at Edinburgh, I gave it as my opinion that it was written by Jack Mackcoull, and, I have no doubt, when Mr. Woolley comes to Edinburgh, he will swear to the fact. He (Jack Mackcoull) resides at Worthing; and as that letter bears the Brighton post-mark, which is only fifteen miles distant, there is more than a presumption that he is the writer. Mr. Woolley can depone to the fact of Mackcoull having frequently passed by the names of James Martin and James Moffat, both of which are fictitious—and he has *seen* him subscribe these names on bills of exchange frequently. He can also depone to the fact, that neither White nor French could write. As Mr. Woolley's evidence will be of great importance, I have written a list of questions which my private friend will put to him, take down his answers in writing, and transmit the whole to Edinburgh. [This was

done, and is the same in substance with the evidence given by Mr. Woolley, on oath at the trials].

It often occurred to me, that Mackcoull could not possibly have spent all the money which he had put aside. He lived freely, but not extravagantly; and, during the periods of his imprisonment in Glasgow, Edinburgh, and Newgate, he had not an opportunity of spending much money. When he came to Scotland to vend the stolen notes, he generally purchased bills on London with the proceeds; and it is more than probable that he would rather deposit the amount of these bills with a banker under the name of Martin (his *soi-disant* friend), or some other name, than keep the money in his own possession, or trust it to those who knew his real character. After he came to reside at Edinburgh he occasionally visited London, and, on his return, was observed to have plenty of money; and when he ceased to visit London, and ran short of the needful, he wrote to London and received remittances in course of post. After a good deal of circuitous conversation with Mr. Woolley, I asked him if he had ever known Mackcoull by any other names than those of Martin Moffat, or Wilson, when he told me that he had once been employed to arrest a person of the name of *Maloney*, for £100, which Mackcoull had lent him in December 1812, by a check on his bankers, Messrs. Marsh, Sibbald, and Co. of Berner Street, where he kept cash under the name of *James Ibell*. This was just what I wanted; and, although I took little notice of the matter to Woolley, I lost no time in waiting on the bankers, and caused my private friend take the following extract from their books:—[I also discovered, through another channel, that Mackcoull had actually pledged a considerable number of the notes with a certain flash character in London—and I hope it may be possible to recover them.——I was at some pains to ascertain the character of the different people mentioned in this Accompt, who, from the remarks I have noted, it will appear are of the very lowest cast.]

Mr James Ibell in Account with Marsh, Sibbald, & Co.

Dr.

1812.		£	s.	d.	REMARKS.
Nov. 4	Ibell	20	0	0	
5	Jones	30	0	0	
20	Notg. Porter	0	2	6	
28	Dawson	21	0	0	
...	Quiro	10	0	0	
...	Birch	10	0	0	
Dec. 1	Stevens	45	0	0	
11	Kiss	20	0	0	John Daniel Kiss, his attorney at that time.
12	Reid	10	0	0	
16	Maloney	100	0	0	Maloney, the Irishman whom Woolley arrested.
30	Lownds	10	0	0	
1813.					
Jan. 9	Remnant	30	0	0	
15	Beaumont	20	0	0	
21	Kiss	23	15	0	
Feb. 6	Beaumont	20	0	0	
18	Orl	21	0	0	
March 2	Brooke	6	14	0	
1814.					
March 29	Self	50	0	0	
April 15	Bearer	6	0	0	
May 2	Beaumont	50	0	0	
3	Ditto	70	0	0	
17	Cole	10	0	0	
30	Fuller	10	0	0	
July 25	Miller	20	0	0	
Oct. 11	Reynolds	100	0	0	
12	Discount	0	18	1	The butcher.
Nov. 7	Blake	40	0	0	The woman with whom Mackcoull then lived
15	Cole	10	0	0	
22	Miller	25	0	0	The butcher.
25	Wheeler	50	0	0	His sister.
Dec. 13	Reynolds	20	0	0	His mistress.
1815.					
Jan. 4	Wheeler	100	0	0	His sister.
Dec. 29	Reynolds	20	0	0	His mistress.
Jan. 7	Wheeler	50	0	0	His sister.
Feb. 16	Ditto	70	0	0	
27	Miller	100	0	0	The butcher.
March 3	Sutton	50	0	0	A person who lives by melting silver plate, and
18	Miller	120	0	0	altering the names and numbers of stolen
21	Sutton	20	0	0	watches, or as flashmen call it, giving them a
22	Harris	20	0	0	*"new baptism."*
29	Richards	32	17	0	
...	Blake	100	0	0	
April 6	Reynolds	50	0	0	His mistress.
7	Notg. Castang	0	5	6	
15	Ditto Peacock	0	1	6	
July 31	Reynolds	70	0	0	His mistress.
Aug. 29	Miller	50	0	0	The butcher.
Oct. 2	Elder	20	0	0	
Nov. 30	Self	100	0	0	
15	Reynolds	20	0	0	His sister.
16	Martin	100	0	0	Supposed to be his brother Jack.
17	Miller	50	0	0	The butcher.
1816.					
March 17	Elder	20	0	0	
23	Miller	10	0	0	The butcher.
28	Ditto	50	0	0	
April 27	Ditto	40	0	0	
July 29	Hawkins	5	0	0	
Sept. 30	Bearer	2	0	0	
1817.					
July 29	Goodman	1	5	5	A noted coach robber.
	£	2030	15	0	

Cr.

1812.		£	s.	d.	REMARKS.
Oct. 26	By Cash	300	0	0	
Nov. 12	Brown	12	15	6	
30	Peters	95	0	0	
1811.					
April 29	Barclay	220	0	0	Bankers.
Oct. 21	Bill Discount.	500	0	0	
Dec. 12	Down	210	0	0	Bankers.
...	Lubbock	200	0	0	Bankers.
23	Dawson	40	0	0	
1815.					
March 3	Miller	40	0	0	The butcher.
6	Coates	20	0	0	
April 5	Regnant	20	13	0	Fictitious name, supposed to be *My Lord Straw.*
12	Roberts	22	17	0	
...	Cash	25	0	0	"
May 4	Osborn	30	0	0	
23	Ings	50	0	0	Supposed to be the butcher who suffered with
29	Glyn	30	0	0	Thistlewood.
30	Gentlemen	25	0	0	A noted stealer of money parcels from coaches.
June 10	Miller	80	0	0	The butcher.
July 6	Castang	16	0	0	
10	Wheeler	50	0	0	His sister, Ann Wheeler, *alias* Green, a noted thief,
Sept. 9	Miller	80	0	0	The butcher. &c.
1816.					
Jan. 2	Bennet	48	6	0	
5	Harrison	40	3	6	James Harrison, the brother of Mary Reynolds.
20	Dow	20	0	0	
March 20	Blake	36	0	0	
		2030	15	0	

Mackcoull must undoubtedly at that period have considered himself as entirely beyond the reach of the Bank, or the law officers of the Crown. It is worthy of remark, that not a single sixpence is placed to his credit during the whole of the year 1813. He came to Leith in the beginning of March when I apprehended him, and took from his person bills which he had bought on London in the name of James Martin, to the amount of £991 odds. After obtaining his liberty at Edinburgh, he went to London with £36 in his pocket, and shortly thereafter was committed to Newgate for six months for striking a watchman. The bills which he discounted during 1814, were actually purchased by him (with notes of which the bank was robbed) at Newcastle and Berwick-on-Tweed.

I wished much to have procured the evidence of Mary Reynolds and Miller the butcher, but the thing was impossible. Indeed the foregoing accompt but too plainly proves how much these individuals were interested in the welfare of Mackcoull, to listen to any proposition from me.

The only person I had now to see was Bill Gibbons the flash banker. I found he was already prepared to meet me, and all he wanted to start on the journey was a note to the law agents for the Bank, which I gave him. He will declare as follows, &c. [Mr. Denovan's notes are more full, but still the substance of his deposition at the trial is the same]. This man, some years ago, was a very expert pugilist. He is now a hackney-coach master, and reputed wealthy. About fifteen years ago he was reckoned an excellent portrait of his (late) Majesty; and, although time has since made considerable ravages, the profile is yet striking.

Edinburgh, 3d February, 1820.

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